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Supreme Court, U.S.
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In The Supreme Court Of The United States

Mariela Valderrama — Petitioner

v.

Honeywell TSI / Honeywell Int. — Respondent(s)

On Petition For Writ Of Certiorari - To review decision by United States Court of Appeals for the Fourth Circuit Petition for Writ of Mandamus-Civil Rights in violation of The Constitution of the United States Questions of Law to the Supreme Court And Lower Court Judgment

PETITION FOR WRIT OF CERTIORARI

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QUESTIONS PRESENTED

Questions to this case extraordinary circumstances filed on Appeal through a Motion at The United States Court of Appeals for the Fourth Circuit Civil Case: 07-1700 to address the following questions to the Supreme Court:

1. Question One Preface

In this era, the use of technological advances allows surveillance that encompasses reading of the human mind. Every thought can be read then taken out of context and use to manipulate the mind, to abuse, to oppress and to control a person, a citizen. Noise can be sent to hurt and to debilitate the brain. Pain from a remote location harms the body. Induce pain to the heart harms a person. Pain induced to harm a person's eyes with broken blood veins. Pain severe enough to kill a person via cutting edge technology intended to torture a person, is a silent

killer crime against liberty of thought and privacy and human rights

This question novel issue involves technology innovation, government tactics, and violation of civil rights to United States' citizens. The law fails to protect and has not upheld law to protect citizens in the United States from crimes, which happen without physical contact or physical intrusion.

QUESTION One:

Does the law of justice applied to prevent violations of civil rights under the First Amendment Personal Autonomy – freedom of thought, Fourth, and Fourteen Amendment; State laws, torts and under Federal Title 18 wiretapping and torture; Title 42 U.S.C.A §1983, §1985 and §1986, Title VII 42 §2000e et seq, protect citizens against violations of privacy and crimes committed to harm a person without

physical contact or without physically intrusion nevertheless intrusion using advanced technological tools from a remote location?

Have the law on privacy been amended as innovation on technology grew?

Do violations using state of the Art Technology to harm a person constitutes an outrage act gear to torture a citizen?

2. Question Two Preface

A regular citizen that is not involved on international relations or political movements is abruptly taken as a victim and burden with unnecessary unscrupulous investigations. Respondent Honeywell and the National Security Agency disclosed during investigations to Petitioner, a Software Engineer, employed by Respondent for 22 years that family, Brother, Carlos Valderrama and

wife, Anne McKensey work to support the Unites States government International Relations.

Petitioner is a United States citizen, born in Colombia. Colombia is a democratic nation not at war with the United States. The last recorded victimization of citizens happened to citizens of Japanese origin during War World II.

Under Title 50 § 1701 the law protects of Unusual and extraordinary threat; declaration of national emergency exercise of Presidential authorities; for threats, which has its source in whole or substantial part outside the United States.

QUESTION Two:

The Law under Title 50 nor Title VII or any law establishes a right to discriminate against a naturalized citizen nor to submit a naturalized citizen to torture by the United States Government, for years

with unduly 24/7 surveillance due to United States International tactics in Colombia S.A.; does the extraordinary circumstances in this case permits unconstitutional tactics or are government actions in violation of the Fourteen Amendment and Due Process of the law?

3. Question Three Preface

US code: Title 18 establishes application of the law for criminal procedure. The rights of crime victims are stipulated on wiretapping. The law highlights wiretap use against non-citizens outside the United States for determined time within a year. Technological Advances on surveillance's tools are overwhelming and are use to intrude into any place to hear oral communication and gain visual surveillance of any citizen in the United States. Petitioner has lived in Maryland for over thirty years and under

visual surveillance since 2001 while working for Honeywell. During litigation the U. S. Department of Defense employee, Mr. Frank (Francisco) Jr. Chapa has violated petitioner human rights. Mr. Chapa mentioned he is a head of the Department of Defense.

Title 18 Chapter 113C – TORTURE,

§ 2340 (1) "torture" means an act committed by a person acting under the color of law specially to inflict severe physical or mental pain or suffering upon another person within his custody or physical control. And § 2340 2(D) "severe mental pain or suffering " means the prolonged mental harm caused by or resulting from (A) The intentional infliction or threatened infliction of severe physical pain or suffering; (B) the application of mind altering procedures calculated to disrupt profoundly the senses or the personality; (C) the threat of

imminent death ;(D) the threat – subjected to death, severe physical pain and suffering, or administration of procedures calculated to disrupt profoundly the senses or personality."

QUESTION Three:

Does the law of justice applied to prevent torture has been violated under extraordinary circumstances when Human Rights of a citizen, who resides in Maryland are violated without grounds for punishment nor any conviction; yet a citizen who is neither criminal nor involve in politics against this nation is intentional harm?

Is unduly abuse, torture and surveillance by the United States unconstitutional when reason to harm a citizen lies on national origin, Colombia S. A.?

4. Question Four Preface

In this era, United States has a more diverse population. Naturalized citizens as well as other citizens heritage comes from around the world. Globalization and International Relations caused unusual extraordinary circumstances affecting naturalized citizens more often. Crimes against citizens being unduly investigated are kept confidential. Due to outsourcing from government to private industry, investigations could be conducted by the government or by a government contractor - private industry.

QUESTION Four:

Does the law of justice applied to prevent Obstruction of Justice protects citizens against the government and / or private industry if violations of Human Rights, per se civil rights to a citizen or a naturalized

citizen in the United States happen due to Unusual Extraordinary Circumstances or Contractor / Client agreement protection because of the Nation's business abroad comprise Department of Defense secrets handle and/or supported by government servants such a citizen's family working for the government? Does the 9th Amendment is violated under the extraordinary circumstances of this question?

5. Question Five Prefaced

Under the Law the length of Surveillance, only identify wiretap on oral communications disregarding the advances of technology since the institution of the law. Non-citizens living outside of the United States may be investigated or under surveillance for a time span of six months. A Naturalized citizen of the United States is torture by the government with tools that read the mind, induce pain, provide for verbal

abuse and are threatened with death. The family of the victimized citizen, who are employed by the United States government, assists with victimization using the system's advanced technological tools to harm the citizen. Now, press reports of severe abuse using Tasers by the police in the United States. In various cases use of Tasers to target people caused death. In China the abuse of Tasers by government officials is categorized and reported as violations of Human Rights. Petitioner moves this court for boundaries that stipulate violations of privacy and civil rights caused by State of the Art Technology ranging from electro-Tasers of its various types, laser tools to mind readers and visibility of any place through the use of tools. Noting that a victim will not be able to produce the actual device as evidence neither identify its capacity or force it can provide to harm a person. Violations of privacy happen neither

by trespassing nor by physical intrusion to private locations. These crimes committed with tools from the distance such as from a military base, a department of government or an agency or private contractor employee who is allowed to carry on a tool yet abuse its duty or is tasked to harm a citizen.

QUESTION Five:

Whether provision of the United States Constitution which protects citizens and naturalized citizens from any State depravation of life, liberty, and the right of the people to be secure in their persons is compromised by the advance on technological tools used to harm citizens?

Does the law of justice applied to prevent crimes against human rights address time span duration of an investigation to a citizen or a naturalized citizen residing in the United States could judicially take or

can time of investigation be ignored under the Patriot Act even though citizens are torture without grounds for punishment?

6. Question Six:

Whether Obstruction of Justice under the Federal Government/ Contractor relationship agreement to investigate government or private industry employees gets ignored, nevertheless their actions caused unconstitutional unlawful acts affecting citizens?

7. Question Seven:

Whether the lower Courts interpretation of State law and of Federal Law on the decision for Summary Judgment, in this case, under the standard Fed. R. Civ. P. 56(c) has been properly applied: "there is no genuine issue as to any material fact and that the

moving party is entitled to a judgment as a mater of law"?

Does extraordinary circumstances presented on the Mandamus relief motion to the Court of Appeals and supported pursuant to Title 28 § 1746 Appendix I to this petition establishes a genuine issue of material fact ignored by the Court of Appeals yet a citizen is being torture?

8. Question Eight:

Whether a plea for federal forum to clarify government investigations and surveillance regarding Petitioner could prompt a resolution to promote democracy ...constitutionalism under the 9 Amendment Unenumerated Rights and / or law that protects citizens against the national government?

LIST OF PARTIES

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Disclosure Statement: Petitioner, Mariela Valderrama, is a regular individual whom pro se party is no parent or publicly held company owning 10% or more of the corporation's stock or any other publicly held entity.

B. Respondent(s): (i). Honeywell Technology Solutions Inc.

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PETITION FOR WRIT OF CERTIORARI

Petitioner, Mariela Valderrama, respectfully request that this Court issue a writ of certiorari or issue other appropriate writ to review the lawfulness of the decision on the judgment of the Court of Appeals for the Fourth Circuit. A de novo review decided on February 25, 2008 before Judge Motz, Judge Gregory, Circuit Judges, and Wilkins Senior circuit Judge for civil case: 07-1700; Mariela Valderrama v. Honeywell Technology Solutions, Incorporated. A final judgment entered on March 28, 2008 denied the petition for rehearing. The Order entered at the direction of the panel: Judge Motz, Judge Gregory, and Senior Judge Wilkins.

The Court of Appeals decision on February 25, 2008 denied petitioner's original petition for Writ of Mandamus filed in the Court of Appeals for the Fourth Circuit pursuant to the First Amendment •

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and Obstruction of Justice encountered as the case litigation developed. The violations described within the mandamus are in violation of the convention entered by the United States on Nov 20, 1994 against torture, under Chapter 113C – TOTURE; Title 18 § 2340. Petitioner requested that through an order the writ mandamus would stop the prolonged mental and physical harm such infliction of pain and mental abuse. Pursuant to Title 28 § 1746(2) petitioner provides sworn declaration.

Honeywell a government contractor for NASA and in turn the various agencies working at NASA such FBI, NSA, DOD etc. The Department of Defense employee, Mr. Frank Jr. (Francisco) Chapa known at NASA GSFC by Respondent and by Petitioner has delivered harm petitioner as the litigation developed and continued to higher Courts. Mr. Chapa mentioned he is a head of the DOD. Mr. Chapa violations against

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petitioner constitute Obstruction of Justice by government, which presents circumstantial evidence that Honeywell a government contractor stole justice by keeping the true hidden and confidential. Respondent's confidential information was not released. A motion at the District Court was denied.

OPINIONS BELLOW

The United States Court of Appeals for The Fourth Circuit issued opinion on Civil Case: 07-1700, a copy appears in Appendix A to this petition. The Court of Appeals affirmed by unpublished per curiam opinion. The United States District Court for The District of Maryland, Baltimore opinion on February 14, 2007 and opinion on the initial Motion to Dismiss on July 29, 2005, copies appear in Appendix B to this petition respectively.*

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JURISDICTION

A. The case appealed at the United States Court of Appeals for the Fourth Circuit, Civil Case: 07-1700 entered judgments on the following dates are, herein, appeal pursuant to original jurisdiction and U.S.C. §1254 Court of appeals by writ of certiorari:

(i). Final on March 28, 2008 denied Rehearing

(ii). Judgment on February 25, 2008 before MOTZ and GREGORY, CIRCUIT Judges, and WILKINS Senior circuit Judge.

(iii). Motion for Mandamus Relief denied.

(iv). Motion for Questions to the Supreme Court not addressed on Judgment.

B. Judgment by the United States District Court for the District of Maryland, at Baltimore. Chief District Judge Benson Everett Legg; Civil case No. 1:05-cv-00747-BEL*

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Entered judgments on this case of the following Orders:

(i). Notice to Appeal – July 16, 2007

(ii). Reopen Summary Judgment – April 05, 2007

(iii). Summary Judgment – February 14, 2007

(iv). Discovery Scheduling Hearing – Nov. 30, 2005

(v). Motion to Dismiss – July 19, 2005

Please refer to Appendix C to this petition for Discovery Scheduling hearing. Appendix D contains copies of the Court of Appeals Orders. Appendix E contains copies of District Court ruling. Appendix F contains Writ of Mandamus.

CONSTITUTIONAL PROVISIONS INVOLVED

1. This case involves the last provision for violation of civil rights.... This case involves Art XIV §1 of the U.S. Constitution. Such section reads as follows: •

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> "All persons born or naturalized in the United States, and subject to the jurisdiction, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person within its jurisdiction the equal protection of the laws."

Encompassing Violation of civil rights under Title 42 U.S.C. §2000e to §2000e-17 et seq.

2. Due process close established under the 14th Amendment.

3. The First and Four Amendment, personal autonomy, privacy law "liberty presumes an autonomy of self that includes freedom of thought, belief, and expression" Justice Kennedy opinion on case John Geddes Lawrence V. Tyron Garner.

4. The Nine Amendment Unenumerated Rights.*

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STATEMENT OF THE CASE

Preliminary, petitioner respectfully requests this Court to note that time is of the essence to stop visual surveillance and torture violations. Civil rights and the Constitution of the United States continue to be violated by the United States government, which is the contractor of Respondent Honeywell. Respondent as well as its contractor has obstructed justice as the litigation developed.

This complex civil case of discrimination brought under Title VII of the civil rights Act of 1964, as amended, 42 U.S.C. §2000e to §2000e-17 et seq. (2000) contains five counts; invasion of privacy; invasion of privacy with unreasonable publicity given to private life; intentional infliction of emotional distress and negligence.

Petitioner, Mariela Valderrama a Honeywell employee from May 05, 1980 to April 28, 2002, filed *

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the case at the Howard County Circuit Court in Columbia, Maryland. Respondent moved the case to the U.S. District Court for the Fourth Circuit and filed Motion to Dismiss pursuant to Rule 12 (b)(6) of the Federal Rules of Civil Procedure. Chief District Judge Legg denied Motion to Dismiss and ordered discovery. Discovery got interrupted to have a settlement conference with United States Magistrate Judge Jillyn K. Schulze. Due to the unsuccessful results of the conference, On November 30, 2005 Judge Legg held a hearing to resume discovery. Various Motions from and after discovery were denied. Respondent Honeywell filed a motion for Summary Judgment under Rule 56 of the Federal Rules of Civil Procedure. The District Court granted Motion to Respondent. Petitioner appealed the District Court's dismissal of her claims against*

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Honeywell. The Court of Appeals reviewed de novo and affirmed by unpublished per curiam opinion. The lawfulness on the decisions by the lower Courts are in question on this case; for it, Petitioner has been tortured as litigation developed and appealed to higher courts. Respondent violated Title VII, State law of privacy and the Constitution of the United States such the Fourteen, and First, amendments respectively. The negligence claims Count V and Count IV emotional distress constitute genuine issue on this case. These counts were postponed in the order for discovery by the district court and ignored.

I. U.S. District Court Summary Judgment

The Court disregarded the fact that District Court Order for Motion to Dismiss established discrimination based on national origin and sex. The Court ruled on discovery – Respondent argued that claim of sex discrimination first appeared in •

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response to Summary Judgment. Court's memorandum dated July 18, 2005 ruled for Motion to Dismiss (Please refer to Appendix B-2), the Court established on page one, item labeled:

I. BACKGROUND second sentence:

" The Complaint alleges the following: Valderrama was an employee of Honeywell Technology Solutions, Inc. for twenty-two years. Beginning in 1997 and continuing until she was terminated on May 13, 2002, Valderrama's co-workers and supervisor made offensive comments about her place of origin (Colombia) and sex."

Petitioner's claims alleged discrimination based on sex and national-origin while investigations about Petitioner were taking place. The Court ruled discovery and established discrimination on national origin and sex. Contrary to these presented facts•

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during Summary Judgment respondent argued that sex discrimination was a new claim.

The Petitioner on 2005 Opposition to Motion to Dismiss and on 2007 Opposition to Motion for Summary Judgment argued that at the time she filed the initial complaint with the EEOC on June 13, 2002, she was still under investigation. NASA (Mr. Molton from security) forwarded request for investigation to other Federal Government Agencies.

In the Response to Motion to Dismiss, dated April 14, 2005, Petitioner moved the Court to take into consideration that if the Court found inappropriate to proceed under Title VII because of argument of time barred; the claim could be taken under Title 42 U.S.C.S. §1983, §1985 that provide for punitive damages.*

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1. Initial EEOC Complaint

As Per EEOC representative taking the complaint, the EEOC is Federal Government and does not investigate claims against them. This genuine issue of material fact had not been taken in light most beneficial to the non-moving party at summary judgment. EEOC gave the right to sue, but fail to provide evidence of the initial complaint filed by which they scheduled a conference with Petitioner. EEOC representative indicated at the conference that they would inform Honeywell, investigate complaint and upon investigation call Petitioner. This argument established that the charge had initially been filed... man machinery Act when into effect.

The Court analysis indicated it would be stretching the point to accept the intake questioner as an initial charge; the EEOC initial questioner form designed as a fill on the blank form. The commission's •

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designated forms questions were later answered on sworn testimony. 29 CFR §1601.12(b). EEOC stipulated that the complaint against NASA would not be reviewed because they are federal government. The initial involvement of contractor NASA filed with the EEOC and substantiated on Petitioner's testimony clarifies why EEOC has no record of initial charge. EEOC scheduled a conference. At the conference EEOC stated they would contact Honeywell and look into complaint. EEOC disregarded the initial complaint. Petitioner contacted EEOC on September 2004.

EEOC did not follow through to enforce EEOC procedure entrusted to exercise all of the powers to act under 42 U.S.C.S. §2000e-5(a). Under the circumstances, the fact that Petitioner explained her situation regarding discrimination to an EEOC employee at a scheduled appointment manifested •

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intent of Valderrama that activated the administrative machinery, Act's machinery. Petitioner filed sue within the 90 days EEOC actual right-to-sue notice is sufficient to trigger statutory 42 U.S.C.S. §2000e-5(f)(1) period in which Petitioner was required to sue.

On the reconsideration for Summary Judgment, Petitioner argued that sworn testimony from her to defendant gave evidence that the initial filed charged led to a conference with EEOC; therefore, satisfies the activation of the Act's machinery.

The Court Analysis concluded, "even if Count III were not barred by limitations, the Court would dismiss it as factually unsupported":

2. Prima Facie

Petitioner is a minority female Hispanic American – born in Colombian S. A. without European looks. 42

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U.S.C § 2000e 3(a) The Court Analysis concluded that according to Petitioner, "she was terminated for opposing Honeywell's practice of leaking to outsiders personal information about herself and other employees".

Contrary to the Court Analysis Petitioner opposed Honeywell conduct and practices in regard to herself only. The complaint established that due to her National Origin Respondent discriminated her using other employees to intimidate and harassed her. Such, conduct was reported to Human Resources Department, which ignored the problem and resulted terminating her.

3. Protected Activity

Petitioner engaged in a protective activity, she blew the whistle and typed "PERSONAL PRIVATE INFORMATION LEAKS" via a secure NASA network connection. Managers intimidated saying that she

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had told on them. Honeywell's managers believed Petitioner talked about company businesses and practices to NASA managers. Honeywell's managers intimidated and harassed Petitioner giving comments about NASA managers she has met.

The Petitioner worked on a computer-monitored operation watched by NASA and Respondent's security department employees worked in the same area. The Respondent's employees intimidated her with comments regarding her work. Petitioner, a Software Engineer, received comments from Respondent's employees assigned to intimidate while looking at the work activity. Comments such try a character or command in regard to the software application she worked on. Petitioner was not given Equal Employment Opportunity like the other coworkers. Honeywell's investigation outside from work found that Petitioner talked to a man who had *

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authority within the government and managers gave many comments acknowledging that they were amazed to find out Petitioner talked to him and other NASA managers outside from work. Respondent's employees intimidated making fun of and having sexual remarks in regard to her relationship with the government man Mr. Chapa. Respondent employees stated remarks "you are not much"; others remarked "you can acquire new government business for us"; "Ha! Ha! You can be a manager". Such conduct became abusive day in and day out ending with sexual comments given by Software Lead James McDonald. Petitioner was the only employee receiving such discrimination. Unreasonable comments created a hostile environment. E.g. Harris v Foukliff Systems, Inc., 510 U.S. 17, 21,22,126 L. Ed. 2d 295,114 S. Ct. 367. *

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4. Adverse Employment Action

Honeywell took an adverse employment action against petitioner; Honeywell employment action to discriminate only the Petitioner is adverse. Petitioner an efficient Software Engineer was terminated due to their severe discrimination trigger by unduly unnecessary investigations supporting Contractor. Human Resources representative, Rose Bohem, the day of Petitioner's termination stated to her "we know who is your family, but we don't care you are RIF". Petitioner's family as the Respondent's employees found out worked for the Federal Government and in high respectable positions. Fact I had no idea of until respondent reported it via harassment during investigations. Nations International Relations and family work tied with investigations let the Respondent to harass and to intimidate based on national origin. Petitioner received inappropriate •

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sexual, unwanted comments from Respondent's employee James McDonald. Mr. McDonald also remarked "you are a spy" "the company told me to intimidate you". Mr. McDonald denied he giving any comments. Petitioner worked for Honeywell for over 22 years in Information Technology Solutions, not as a spy. If Family happened to be spies for the United States as Respondent told Petitioner, it is no grounds to intimidate and to harass and finally terminated - RIF. 2. Petitioner stipulated that Family political beliefs and/or work should not affect an employee. It is not grounds for discrimination such acts are in violation of I and XIV amendments of the Constitution the United States. According to Elrod v Burns ET AL (1976) 427 U.S. 347; 96 S. Ct. 2673; 49 L. Ed. 2d 547. Political belief and association constitute the core those activities protected by the United States Constitution. *

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Honeywell a Giant Corporation terminated Petitioner with the pretext of reduction in force. Honeywell's expertise handling terminations created a pretext of RIF. On termination papers fallowed the law to protect the company; however, this case has genuine issue on credibility. The conflicts of interest between the Federal Government and Petitioner's family working on International Relations for the government have since the time of her termination from Honeywell made Petitioner a victim of a Federal Government. A unduly crime of surveillance and torture against her is evidence that even tough it is a new claim the respondent client relationship of contractor brought obstruction of justice into this complex case. Surveillance that has caused obstruction of justice to the point of affecting Petitioner's well being intentionally at time previous and during depositions and as the case has moved to *

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higher Courts. This fact has to be included due to the conflict of interest obstructing justice.

5. Client / Contractor

The above events of evidence are casually connected, event 1, 3 and 4 rooted by the conflict of interest between Honeywell's investigations under contract and the Federal Government in authority. Title VII 42 U.S.C. §2000e et-seq. definition phase addresses contractor's agreements in SUBPART B. According to Subpart B "All government contracting agencies shall include in every government contract agreement. The fact that there is Contractor/Client agreement and Executive orders creates conflict. The information is confidential under contract. The District Court denied a Motion to request confidential information.*

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6. Honeywell Denied Surveillance

Honeywell prospective is that it is more convenient for the company to pay a qualified attorney for defense against a misrepresented Pro Se litigant. Petitioner Objected in a Motion comment made by Honeywell Assistant Attorney Michael Ferrans.

Anderson v liberty Lobby, Inc. (1986) 477 U.S. 242,255 106 S. Ct. 2505, 2513, 91 L. Ed.2d 202 stating that credibility determinations, the weighing of the evidence, and the drawing of legitimate inferences from the facts are jury functions, not those of a judge, whether he is ruling on a motion for Summary Judgment. Revelation of investigations becomes conflict of interest. Motion to provide confidential information on investigations and respond to allegations denied facts. According to the Federal Rules of Civil Procedure Rule 37(a)(3) "an evasive or •

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incomplete disclosure, answer, or response is to be treated as a failure to disclose, answer, or respond."

7. TITLE VII'S Anti-retaliation

Petitioner's pleadings, testimony, and depositions addressed Respondent Honeywell's pretext on RIF to cover discrimination. Respondent's conduct provided an abusive work environment giving sexual comments; intimidating, harassing and unduly investigating Petitioner becomes circumstantial evidence that conflicts with the Federal Government employing Petitioner family to support International Relation.

II. Review by the U.S. Court of Appeals

Petitioner pleaded to the Court of Appeals to review and identified genuine issues of material exist:

A. Credibility

Whether determination on evidence by the District Court that grant Summary Judgment without *

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questioning the validity of respondent presented genuine issue on credibility for Respondent and its employee's witnesses' testimony and count of events. The lower Courts disregarded the following information on evidence:

1. District Court granted Summary Judgment in favor of Respondent without proof that Honeywell's testimony is truthful. Respondent's oversized affidavits were taken into consideration given more weight to its defense against a Pro Se representation. Respondent under similar circumstances or power due to conflict of interest to revel government dealings and assignments of work given to the private sector could be prompt to repeat unlawful employment practices. Dulansky v. Iowa-Illinois Gas & Elecf. Co., C.A. 8th, 1951, 191 F.2d 881, 884. *

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2. District Court Ruled to moot the petitioner's Supplemental Affidavit in opposition to Summary Judgment. According to Federal Rule of procedure Rule 56(e) new evidence presented resulted on a mooted motion that contained supporting evidence. It contains evidence beyond the mere allegations. Evidence is in the way of affidavit containing excerpts from depositions, interrogatories, or admissions to demonstrate existence of factual issue for trial if compliant to Federal Rule of Procedure Rule 56(e). Nilson v. Historic Inns Group Ltd., D. C. Md. 1995, 903 F.Supp. 905. Respondent has hidden the true.

3. District Court Analysis overruled knowledge on personal knowledge and experience. Contrary to Honeywell's telling of good faith defense and its affirmative defense presented by its consul, Pro se Petitioner good faith defense and fair dealings have·

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been reasonable. Honeywell breached its duties toward employee Valderrama during the scope of her 22 years of service and obstructed justice during litigation. Respondent denied investigations happened contradicts even NASA and FBI records of finger printing her at NASA (Petitioner's knowledge of fact given during testimony) due to the agency clearance investigation in 2001. Depositions of witnesses' testimony pointed out that Honeywell coached managers called as witnesses sending them an e-mailed to be on the same page with the pretext on discharge. The circumstantial evidence shows Honeywell advised deponents to testify on the facts the specified e-mail. Harassment affected the term, condition and privilege of employment Sharp v. City of Huston, D. C. Tex. 1997, 960 F.Supp. 1164.

Honeywell's witnesses and employees called to testify have an interest in the company; therefore, to weigh*

his credibility requires a jury. Block v. Biddle, D. C. Pa. 1965, 36 F.R.D. 426, 429.

4. District Court Memorandum for discover order dated December 9, 2005 stipulates under element V. labeled, Discovery on Damages:

" Pursuant to the discussion on the record at the hearing, discovery on damages will be postponed until after discovery on liability and any dispositive motions have been decided". Please refer to Appendix C to this petition.

B – Mandamus Plea

Petitioner pleaded for a Mandamus as victim of a crime. Government (United States) International Relations unduly have affected her and this proceedings.

1. This case presents extraordinary pleadings. The facts raised changes of law. Title 50 and 18 give•

• Words on page 118

extraordinary powers to the president and government. It is also clear that admitting the choking advances of tools for surveillance is view as a National Security alert.

Our system, is allowing that a citizen's rights be taken away in the United States. Petitioner has a sound mind that under surveillance pleads for a Federal Government Forum to resolve and stop her victimization. Taking into account that Honeywell denied investigations; however, investigations have closed as classified. The Law provides statutes for surveillance only outside the United States per Court order stipulating frame-time of less than a year. The statutes are to be used in case of terrorism against the United States. Please, Petitioner is a naturalized citizen for over twenty years with a clear record who worked as a Software Engineer and Information Technology over twenty-two years supporting *

* Words on page 141

software that has helped the effort on the fight of terrorism against the United States.

2. Conflict of interest Contractor/Client ethics

3. Title VII considerations within the context of EEOC investigations is specific to all hearings investigator powers of the commission and the procedure for the enforcement of investigator powers. Procedure to inform Honeywell of charge and follow-trough-informing Petitioner was not met accordingly after Petitioner met with the EEOC representative.

C – Real Facts Are Not Surmise

Truthfulness of testimony and weight of evidence were given to the Respondent's Summary Judgment, the moving party. While the Petitioner's evidence, personal knowledge and sworn statements were not taken in light most beneficial to non-moving party. Would the Court Analysis had weighted Evidence of •

• Words on page 124

Respondent's denials against conflict of interest with Federal Government and versus Petitioner personal knowledge, sworn affidavits mooted and testimony of claims; the weight of evidence would have been analyzed in light of true inferences beneficial to the non-moving party. The analysis did not acknowledge Honeywell abusive environment to be direct evidence of discrimination.

Petitioner's knowledge and sworn testimony is not surmise speculation.

A Fair opportunity to have a trial to present Petitioner's case and to cross-examination of the Respondent and witnesses testimony was not permitted. Appeal Court did not consider Application of Due process of the Fourteen Amendment. The RIF was not the true reason for employment termination decision, but that notional origin and sex discrimination was. The federal government conflict*

* Words on page 124

is circumstantial evidence that Petitioner has been the victim of intentional discrimination.

1. Anderson v Liberty Lobby, Inc. 477 U.S. 242, 255, 106 S. Ct. 2505, 2513, 91 L. Ed.2d 202 argue that credibility considerations, and the drawing of legitimate inferences, not those of the judge, whether he is ruling on a motion for Summary Judgment. The evidence of the non-moving is to be believed, and all justifiable inferences are to be drawn in his favor. "Genuineness means that the evidence must create fair doubt; wholly speculative assertions will not suffice". The doubt in this case rest on the truthfulness of motive for termination versus testimony and knowledge of victimizing discrimination. Knowledge that relates the abusive treatment taken while being submitted to unduly discrimination raised the question: Can the Respondent word can be taken as truthful evidence •

• Words on page 141

if Honeywell intended to prevent its employees from testifying? Honeywell denied per se that James McDonald was and is still an employee. Please refer to Appendix E-5. According to Reeves, 530 U.S. at 148. 'the general principle of evidence law that the fact-finder is entitled to consider a party's dishonesty about a material fact as affirmative evidence of guilt'.

2. Petitioner cited Wright & Miller "District Court deciding motion for summary Judgment could not find that former employer's documentary evidence was inherently more reliable or accurate than testimony of employee and co-worker and their sworn statements from memory" Leonard v. Dixie Well Serv. & Supply, Inc, C. A. 5th, 1987, 828 F.2d 291. Summary Judgment preferred Respondent's testimony. Hoover v. Switlik Prarachute Co., C.A. 9th 1981, 663 F2d 964. •

• Words on page 133

Citizens Loans & Savings Co., C.A. 8th, 1980, 621 F.2d 911, 913.

3. Oldham v. West, C. A. 8th, 1995, 47 F.3d 985 argued that only have to prove that a genuine issue existed. Credibility is a genuine issue in this case.

4. Ferguson v. Omnimedia, Inc., C. A. 1st, 1972, 469 F.2d 194 points out that conspiracy complicity. Circumstantial evidence of conflict per government official 'Molton' and cross-examining hostile witnesses for credibility at trial moves on to proof conspiracy to hide the true. Summary Judgment is not a substitute for it. "Opportunity to cross-examine the witnesses and testing their credibility, might disclose Petitioner testimony or a picture substantially different. U.S. v. Perry, C.A. 9th, 1970, 431 F.2d 1020, 1022."

Reeves, 530 U.S. 147 and 149 quoting "employer's explanation is false" (party dishonesty). •

• Words on page136

D – Negligence

Petitioner alleged Honeywell malicious outrageous conduct. Honeywell used coworkers to conspire and to obstruct justice denying events deprived plaintiff of the right of Equal Employment Opportunity. Petitioner's rights as a citizen of the United States are violated. Honeywell violated Title VII U.S.C. 42 U.S.C. §2000e et.seq. Petitioner sworn testimony declared that she reported discrimination to Honeywell's Human Resources (HR) representatives. HR disregarded complaint of harassment and intimidation by employees including harassment by managers in authority. HR gave the run about to Petitioner without action or response to stop discriminatory comments to prevent discrimination; it established willful misconduct of employees who act in a managerial capacity is disparate treatment.

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* Words on page 114 —

Enriquez v. Honeywell, Inc. (1977,WD Okla) 431 F Supp 901, 16 BNA FEP Cas 374.

E – Facts Out Of Context

On appeal, Petitioner explained misinterpretation of facts presented on the District Court's Analysis:

1. "She was terminated for opposing Honeywell's practice of leaking to outsiders personal information about herself and other employees."

According to Valderrama there were various facts for Honeywell's retaliation. Honeywell's investigations caused unfair and unlawful employment practices against Valderrama violating 42 U.S.C.S §2000e-3. Valderrama was the only employee from the Honeywell's EDOS Software Support harassed while investigated. The NASA Terra Project became high

* Words on page 99

visibility after 9/11 and Petitioner supported the project until Honeywell terminated her.

Petitioner wrote the words of "other employees" to describe events as follows: Honeywell used "other employees" to discriminate against Valderrama. Honeywell treated Petitioner less favorable than other employees within the department among black, white or Asian and less favorable within employees from the same national origin working in other departments. Disparate treatment raised as Honeywell directed per se James McDonald to target Petitioner with inappropriate, unwanted, malicious comments. The hostile, offensive work environment constituted harassment.

Honeywell targeted one Colombian born employee, Valderrama. Honeywell did not target every employee born in Colombia S.A. It is an adverse *

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* Words on page 113

employment practice to discriminate a foreign born American citizen.

2. "She has not shown how "such leaks" constitute a practice made unlawful" by Title VII.

Honeywell denied investigations: Petitioner during her hours of testimony (more or less 12 hours), given to Respondent's counsel, testified that Honeywell's treatment became an unethical employment practice that created an improperly abusive work environment. An abusive work environment and remarks from investigations happened at the time the messages of "personal leaks" were sent via the NASA network. The unlawful employment practices are against Title VII 42 U.S.C. §2002-e 2(a).

Direct evidence: a. Discriminatory comments given to Petitioner by Honeywell's employees including managers created a hostile environment. b. Honeywell did not promote Valderrama for years. •

• Words on page 123

Circumstantial evidence: a. Honeywell/NASA investigations promoted intentional discrimination.

b. Investigations emphasized notional origin.

c. Discriminatory comments and personal harassment based on Petitioner Hispanic non-European looks. United States International Relations has been the key motivator factor for investigations for it Honeywell's employee D. Murray directly investigated and harassed employee with his findings.

Valderrama's testimony to Honeywell's counsel during deposition made count of facts testimonial evidence, which are unlawful employment practices under 42 U.S.C. §2000e-2(a) and 42 U.S.C. §2000e-2(m), etc. 42 U.S.C. §2002-e 2(a) provides that it should be an unlawful practice for an employer to discharge or otherwise discriminate against any individual with •

• Words on page 106

respect to her conditions, or privileges of employment, because of such individual's race, color, religion, sex, or national origin. Anderson v. Lowe's Home Center 2006 U.S. Dist. LEXIX 19893(4th Cir. 2006).

Harris v. Forklift Systems, Inc., 510 U.S. 17, 21, 22; 126 L. Ed. 2d 295, 114 S. Ct. 367 argument

Lipschutz v. Gordon Jewelry Corp., D.C. Tex. 1974, 374 F.Supp. 375.

Cales v. Chesapeake & Ohio Ry. Co., D. C. Va 1969 1969, 46 F.R.D. 36.

3. "Honeywell was improperly divulging personal information about its employees"

Analysis misinterpreted Petitioner's case theory.

Petitioner's Theory: "Honeywell improperly divulged personal information about one employee, Petitioner, Mariela Valderrama, who under investigation by Contractor / Client - Honeywell/NASA; the Respondent conspired with its employees to intimidate and to harass her then terminated her •

• Words on page 133

with a pretext of Reduction in Force (RIF) while investigations were still going on. Honeywell's adverse treatment against Petitioner was unethical unlawful employment practice that deprived her from employment opportunities also broke the employee / employer contract duty to confidentiality and duty to protect employee from harm." Honeywell without grounds pinpointed petitioner a spy.

During witnesses depositions just the mention of another Nation as place of origin created conflict to freely addressed truthfulness of events. Honeywell dispersed to employees that Petitioner was being considered for an Ambassador position for Colombia, a spy, discredited her, put her down, ridicule her, etc.

4. "The record, which Honeywell comprehensively lays out in its papers, establishes that it had a legitimate, nondiscriminatory reason for terminating Valderrama" •

• Words on page 126

Petitioner explained that of course from the day of her termination was shocked to receive a comprehensive story on paper "pretext"; however, the real events had been quite different. Petitioner did not assign papers given to her upon day of termination that would have clear Honeywell of any and all wrongdoing.

Valderrama had been discriminated and she informed managers and the Human Resources Department who ignored her complaints. James McDonald indicated NASA had ordered Honeywell to discharge Petitioner. Rose Boehm commented about her family. Honeywell patched the true with false statement Dyson v. Kocik, D.C. Pa. 1983, 564 F.Supp. 109, 114, citing Wright, Miller & Kane.

(i). Honeywell reason for termination is a pretext as per James McDonald. Question was asked and denied during his deposition. *

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* Words on page 140

(ii). Per evidence of testimony on depositions Honeywell rather moved other Honeywell employees who worked with Valderrama in other projects to support EDOS. Employees like Mike Lin, Angela Tung, and Laurie Donnenley.

(iii). The company transferred three employees to " Big Dig".

(iv). Nancy Jhonston transferred to another project but according to her due to her age (62 years old) her work was slow. Honeywell rejected the transfer after a few weeks.

(v). Valderrama was the only employee Honeywell did not offer an option to transfer to another project.

(vi). Honeywell tells its employees that other contractors have not power to tell Honeywell to RIF employees. Honeywell / Lockheed decision to move employees that support EDOS NASA happened; nevertheless, the circumstances for Vaderrama were *

* Words on page 128

different. NASA had funded the project employees at that time.

(vii). Extraordinary circumstances of investigations on its conflict influence to pretext termination with events happening at time of major conflict.

On appeal petitioner argued that Honeywell exculpatory explanations offered presents a question of fact for the jury. Circumstantial evidence finding may uncover negligence caused unlawful practices. Similar violations could be repeated Dulansky v. Iowa-Illinois Gas & Elec. Co., C.A. 8th, 1951, 191 F.2d 881, 884.

Perjure is a crime and witnesses gave false testimony.

Employees conspired and obstructed justice, a crime against Title 18. *

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* Words on page 98

Under the motto: "innocent until proven guilty". The Court did not allow having neither polygraphs nor cross-examination of the witnesses in front of a jury. With conflict of interest between Contractor / Client and the Federal Government; Respondent has stolen justice by hiding the true.

F – Count I: Invasion of Privacy

Petitioner argued at lower Courts that extraordinary circumstances led Petitioner to plea that the Mandamus and Questions be considered. Valderrama's claims, testimony and defense are not mere suspicions; her knowledge is from living experience of claims real people, real abusive treatment, and real investigations. Real conflict of interest between contractor / client privilege have the true strictly confidential. Conflict used Politics to discredit Petitioner professional and personal standing. *

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* Words on page 123

G – Count II: Unreasonable Publicity

Extraordinary circumstances led Petitioner to plea the lower Courts on motions on the Mandamus and Questions to Supreme Court. Honeywell's comments were highly offensive to a reasonable person and addressed since Motion to dismiss and during testimony to its counsel. The conflict of interest and confidentiality weight more that Pro Se's true that reveals unlawful violations still oppressed her.

H – Count V: Negligence

Title VII does not specifically define what kinds of adverse employment decisions are actionable. Adverse employment action such being terminated due to unduly investigations created an adverse change in the terms Petitioner's terms of employment changed to abusive treatment in an abusive environment. *

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* Words on page 120

Petitioner blow the whistle opposing discriminatory treatment after Managers and Human Resources gave the run around ignoring the discriminatory treatment Honeywell gave Petitioner. Respondent's ultimate decision was to terminate Valderrama. Ultimate decision presented a valid discharge to cover the discriminatory treatment to one employee that was opposing her employer practices, Honeywell. Honeywell directed employees to intimidate Valderrama, the malicious intent underlines conspiracy-premeditated knowledge intended to injure emotional and intimidate, a crime under 18 U.S.C.S. §241. Even if between the company and the federal government the investigations are kept strictly confidential, Honeywell practices still violated a naturalized American citizen civil rights. Honeywell's conduct unduly broke agreement to provide equal employment opportunity violating •

• Words on page 115

Petitioner's civil rights. Respondent harmed Petitioner mentally and emotional, professionally, socially, violated her private and civil rights to equal employment opportunity. Honeywell's improper conduct affected Petitioner. The manner in which abusive, unwanted, unsolicited, comments were given and the way Honeywell responded ignoring happenings showed that their conduct committing unlawful practices was intentionally done of ill will to injure Petitioner.

Respondent actions have been contrary to duty and purposely prejudicial to Petitioner. Petitioner repeated discussion of claims Counts I-V to illustrate Honeywell's negligent conduct. *

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* Words on page 87

I – Allegations Not Included In Discovery

According to District Court emotional distress had not merits. The Court analyzed following tort law State Law, and dismissed during Summary Judgment. Discovery did not focus on the five Counts of the case allegations. Discovery mandate postponed damages. Under the Civil Right Act of 1991 and traditional Title VII remedies damages can be recovered including pain, suffering, inconvenience, mental anguish, and loss of enjoyment of life. The Court denied motions as premature.

a. Harris v. Forklift Systems, Inc., 510 U.S. 17, 21, 22; 126 L. Ed. 2d 295, 114 S. Ct. 367 argument barred conduct that would seriously affect a reasonable person's psychological well being, the statute was not limited to such conduct. The Court held that as long as the environment would reasonably be perceived and was perceived as hostile •

• Words on page 148

or abusive, there was no need for it for it not to be psychologically injurious. The court found that psychological harm could be taken into account, but was not required bu. the statute.

b. Citing Aviation Underwriters, Inc. v. Altus Flying Serv., Inc. C. A. 10th , 1077, 555 F.2d 778. Summary Judgment could not find that employer's documentary evidence was inherently more reliable or accurate than testimony of employee.

c. Munday v. Waste Management of North America, Inc., 997 F. Supp. 681; 1998 U.S. Dist. LEXIS 3281. Points out that Title VII did not pre-empt Maryland contract law. The evidence of denials presents intent to unduly harm an employee who under contract has equal employment rights. *

* Words on Page 121

I – Narrow Scope

On appeal petitioner asked whether the District Court analyses on a complex case have been decided on extremely narrow scope while collision on conflict of interest played a heavy role, and intent to show confidential ethics concealed frank evidence.

The narrow scope comprised misinterpretations; the complex discrimination case's claims illustrate motivator factors taken place at the same time violations due to investigations interfered with equal right, equal opportunity employment and unlawful employment practices. Overruling of Motions that may have introduced evidence favor a well represented Respondent. Respondent conveniently kept the true hidden instead of presenting the true without obstructing justice.

Witnesses committed perjury. Witnesses testified they couldn't go against the Company they work for. *

* Words on page 121

It is a conflict. Witnesses in particular James McDonald, James Braun, Pat Fogleman and Linda Markusky know as well as Petitioner about the conflict of interest. The above statements are based on knowledge of witnesses' answers at their deposition and Petitioner's personal experience living through Respondent's unduly discrimination violations of Title VII § 2000e-2 (m).

J – On Petition To The Supreme Court

Now, the system's federal government opted to harm petitioner because of the United States tinted International Relations' businesses. I strongly disagree with their tactics used against me to torture me with the highest hi-tech advances. The torture and abused is debilitating to my well being. Government conflict on ethics has created extraordinary circumstances in this case.

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* Words on page 121

The petitioner is a Naturalized American Citizen from Maryland for over thirty years and she has resided in Maryland since 1975.

REASONS FOR GRANTING THE WRIT

This case concerns violations of civil right and privacy law, Petitioner a United States Naturalized Citizen, currently victimized by our Government. The United States government has taken petitioner as victim as the litigation developed. Hereby, obstruction of justice becomes evident. Petitioner filed with the Court of Appeals a Mandamus relief Motion. Petitioner pleads the Supreme Court for justice to stop abuse such as manipulation of petitioner's mind, psychological abuse, and torture, induce pain, intimidation, and threats to kill petitioner. Stop violations of privacy via visual surveillance that is non-physical intrusion but by the state of the art technological advances. *

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* Words on Page 129

Obstruction of Justice by Contractor: Frank, (Francisco Jr.) Chapa, who works at the Department of Defense and other departments, in alliance Dr. Carlos Valderrama obstructed justice as the case litigation developed. The government is not a party in this case; nevertheless, it is evidence that facts are real and presented in good faith "the constitution is the law of this land". Please refer to Appendix I. The evidence shows that Respondent discriminated and the investigations happened on a contract directed by the government. The unduly motives of the U. S. government geared toward affect of their international relations has targeted one employee, Mariela Valderrama. A citizen ought not to be unnecessarily and unduly unconstitutional victimized for government's dealings.

Ethics between government and outsource contracts with Honeywell presented circumstantial evidence •

• Words on page 133

on motive to discriminate under the client/contractor relationship. This ethics issue promoted discrimination and led to denial of investigations. Respondent ultimately terminate Petitioner under reduction in force. Honeywell in contract provide technical solutions to government. Honeywell and government authority on confidential dealings kept the true hidden.

CONCLUSION

WHEREFORE, petitioner requests this Honorable Court caused a writ of certiorari or other appropriate writ to be issued to review the lawfulness of the decision of the Unites States Court of Appeals and the United States District Court. Petitioner plead to regain her privacy and to find justice.

Subsequently, Petitioner requests this Court grants the writ of mandamus or any other writ. The grant *

* Words on page 114

of the Mandamus motion will stop unconstitutional violations of civil rights.

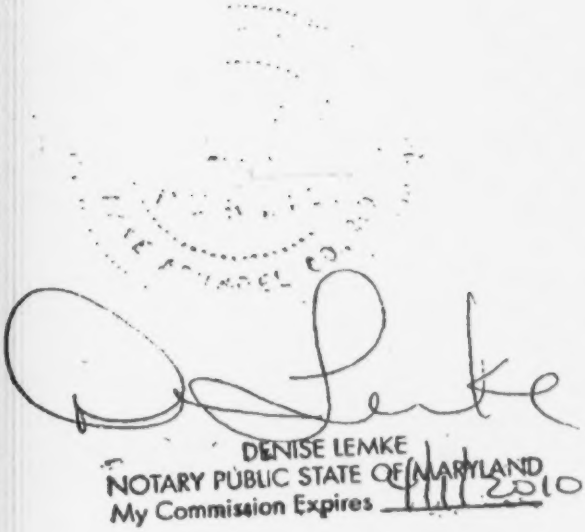
Subsequently, A Jury will weigh the evidence and the Credibility of witnesses, negligence, conflict of interest and obstruction of justice, and the denial of discrimination. Jury determinations will draw legitimate inferences from facts. Petitioner respectfully pleas The Supreme Court review the lawfulness of the lower Courts. The case presented genuine issues of fact showing liability damages and punitive damages.

Subsequently, Petitioner respectfully pleads the Supreme Court to address questions regarding Privacy; the questions are of public concern for any citizen or naturalized citizen.*

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* Words on page 97

I SOLEMNLY AFFIRM under the penalties of perjury pursuant to Title 28 § 1746, that the content of this petition is true to the best of my knowledge and information.



Respectfully submitted,

Mariela Valderrama
P. O. Box 347
Gambrills, Maryland
21054
(410) 570-7771

Pro Se

Date: June 23, 2008
Enclosures:
cc: Court Filed Original & 40 Copies
Petitioner Copy*

* Words on page 60; Total words 6,873

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State of Maryland, Anne Arundel County, Set.

I, ROBERT P. DUCKWORTH, Clerk of the Circuit Court for Anne Arundel County, Maryland, a court of record, do hereby certify that **Denise Lemke** was a commissioned appointed and qualified Notary Public commencing on the 28th day of February, 2006.

In Testimony Whereof, I have hereunto set my hand and affixed the seal of the court this 23rd day of June, 2007.

Robert P. Duckworth

Robert P. Duckworth, Clerk
Circuit Court for Anne Arundel County, Maryland

Appendix A

U.S. Court of Appeals Opinion

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURT CIRCUIT

No. 07-1700

MARIELA VALDERRAMA,

Plaintiff – Appellant,

v.

HONEYWELL TECHNOLOGY SOLUTIONS, INCORPORATED,

Defendant – Appellee

Appeal from the United States District Court for the District of Maryland, at Baltimore. Benson Everett Legg, Chief District Judge. (1:05-cv-00747-BEL)

Submitted: February 21, 2008 Decided: February 25, 2008

Before MOTZ and GREGORY, Circuit Judges, and WILKINS, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Mariela Valderrama, Appellant Pro Se. Rafael E. Morell, OGLETREE, DEAKINS, NASH, SMOAK & STEWART, pc, Washington, D. C., for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Mariela Valderrama appeals the district court's order granting summary judgment in favor of her former employer on her employment discrimination action brought under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e to § 2000e-17 (2000) and state law.

Valderrama also appeals the district court's orders denying her plea for leave to renew or to reopen motion for summary judgment and her motion to reconsider the motion to file a sur-reply, in which she sought reconsideration of the court's order granting summary judgment. This court reviews a district court's grant of summary judgment de novo. Higgins v. E.I. Dupont de Nemours & Co., 863 F.2d 1162, 1167 (4th Cir. 1988). Summary Judgment may only be granted when "there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law." Fed. R. Civ. P. 56(c). With this standard in mind, we have reviewed the record and find no reversible error. Accordingly, we affirm for the reasons stated by the district court. Valderrama v. Honeywell Tech. Solutions, Inc., No. 1:05-cv-00747-BEL (D. Md. filed Feb. 14, 2007 & entered Feb. 15, 2007; Apr. 5, 2007

& entered Apr. 6, 2007). We deny Valderrama's pending motion for mandamus relief. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED

Appendix B

U.S. District Court Opinion

1. Summary Judgment..... B-2

2. Motion to Dismiss..... B-1

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

MARIELA VALDERRAMA,
Plaintiff :
:
v. : CIVIL NO. L-05-747
:
HONEYWELL TECHNOLOGY :
SOLUTIONS, INC., :
Defendant :

MEMORANDUM

Now pending is Defendant's motion for summary judgment. Because the parties have adequately briefed the issues, a hearing is unnecessary.[1] See Local Rule 105.6 (D. Md. 2004). For the reasons stated herein, the Court will, in a separate order, grant the motion and dismiss the case.

I. BACKGROUND

On February 8, 2005, Mariela Valderrama ("Valderrama") filed the instant suit against her

[1] Also pending is Ms. Valderrama's Motion to File Sur-Reply (Docket No. 102), Which the Court will DENY as MOOT.

former employer, Honeywell Technology Solutions, Inc. ("Honeywell").[2] Her Complaint states the following claims:

- Count I (state law): Invasion of privacy.
- Count II (state law): Invasion of privacy with Unreasonable Publicity Given to Private Life.
- Count III (federal law): Intentional discrimination in violation of Title VII of the 1964 Civil Rights Act.
- Count IV (state law): Intentional Infliction of Emotional Distress.
- Count V (state law): Negligence.

Because of discovery snags, the court held a long and detailed discovery hearing on November 18, 2005, during which Valderrama, who is pro se, described her claims and discovery she sought. In a six page Order recapping the hearing, the Court: (i) required Honeywell to answer twenty-four interrogatories that the Court laid out in the order, (ii) required Honeywell to produce fourteen categories of

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[2] During the time period relevant to this law suit, Ms. Valderrama whent by her married name, Mariela Rotella.

documents, and (iii) authorized Valderrama to take the depositions of ten Honeywell employees. The Court also specified the discovery that Valderrama was required to provide to Honeywell.

Honeywell fully complied with the Court's Order. At the close of discovery, the company moved for summary judgment on all claims. The issues were fully briefed. Because Valderrama's claims are factually unsupported, Honeywell is entitled to summary judgment.[3] In its discussion, the Court will analyze first the federal claim, then the state claims.

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[3] The Court may grant summary judgment when "the pleadings, depositions, answers to interrogatories, and admissions on file, together with affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to summary judgment as a matter of law." Fed. R. Civ. P. 56(c); Celotex Corp. v. Catrett, 477 U.S. 317, 322-23 (1986); See also Felty v. Graves-Humphreys Co., 818 F.2d 1126, 1128 (4th Cir. 1987) (recognizing that trial judges have "an affirmative obligation" to prevent factually unsupported claims and defenses from proceedings to trial). Nevertheless, in determining whether there is a genuine issue of material fact,

II. ANALYSIS

A. Court III: Title VII Claims:

1. Retaliation:

In 2002, Lockheed Martin was the prime contractor on a NASA project, the Consolidated Satellite Operations Contract. Lockheed Martin subcontracted with Honeywell for operations and software engineering support. On April 29, 2002, Valderrama, a software engineer, was terminated as part of a reduction in force ("RIF"). Valderrama's principal claim is that her termination was retaliatory. Honeywell raises both procedural and substantive defenses.

Honeywell argues that Valderrama's claim is time-barred because she did not file a charge of

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the Court views the facts, and all reasonable inferences to be drawn from them, in the light most favorable to the non-moving party. Pulliam Inv. Co. v. Cameo Properties, 810 f.2d 1282,1286 (4th Cir. 1987).

discremination with the EEOC within 300 days of her termination.[4] Valderrama filed her charge on November 2, 2004, more than two years after the RIF.

Valderrama argues that her claim is not time-barred because she filed an "initial discrimination complaint" with the EEOC on June 13, 2002. (Actually, the document is an "EEOC form 233 Intake Questionnaire.") She contends that the EEOC failed

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[4] In order to maintain an action under Title VII, a plaintiff must file an administrative charge of discrimination within 180 days of the alleged misconduct. 42 U.S.C. § 2000e(e)(1); Williams v. Giant Food Inc., 370 F.3d 423, 428 (4th Cir. 2004). This period is extended to 300 days in a deferral state, one in which "state law proscribes the alleged employment practice and the charge has initially been filed with a state deferral agency." Id. (quoting Tinsley v. First Union Nat'l Bank, 155 F.3d 435, 439 (4th Cir. 1998)). Maryland is a deferral state. Id. Its deferral agency, the Maryland Commission on Human Relations (MCHR), has a work sharing agreement with the EEOC whereby a claim filed before one commission is effectively filed before both. See 29 C.F.R. § 1601.74 (designating MCHR as a Fair Employment Practices ("FEP") agency). Accordingly, from the date of her termination, Valderrama had 300 days to file a charge of discrimination with either the EEOC or MCHR.

to keep a record of, or take action on the questionnaire.

Honeywell contends that the intake questionnaire cannot suffice for an EEOC charge. Citing Karim v. Staples, Inc., 210 F.Supp. 2d 737 749 (D. Md. 2002), it contends that the charge filing date, and not the questionnaire filing date, governs. According to Honeywell, even if Valderrama did file the questionnaire, it is insufficient to satisfy the timely filing requirement.[5]

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[5] As a threshold matter, it is disputable whether the questionnaire was ever filed. The document bears no EEOC date stamp, and Valderrama offers no proof that the Commission ever received it. Furthermore, it is disputable when the questionnaire was completed. Although Valderrama signed it under penalty of perjury, she did not date her signature. For purposes of summary judgment, however, the Court will assume that Valderrama filled out the form and filed it with the EEOC on June 13, 2002, approximately forty-five days after her termination.

The analysis is not as simple as Honeywell suggest. The company fails to mention the cases that have explicitly considered whether an intake questionnaire may serve as a charge. See, e.g., Wilkerson v. Grinnell Corp., 270 F.3d 1314, 1319-20 (11th Cir. 2002) (collecting cases). Courts have held that a filed questionnaire may constitute a charge if it "manifested an intent to activate the Act's machinery." Id.

The Fourth Circuit has not precisely addressed the issue. It has, however, twice accepted as a filed charge a letter or affidavit not submitted on an official agency form.[6] The decision touchstone was whether

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6- In Waiters v. Robert Bosch Corp., 683 F.2d 89, 91 (4th Cir. 1982), the plaintiff executed a detailed, five-page affidavit that he then forwarded to the EEOC. Because the affidavit clearly satisfied the regulatory definition of a charge, the Fourth Circuit held that it satisfied the 300 day timely filing requirement. Id. In Edelman v. Lynchburg College, 300 F.3d 400, 404 (4th Cir. 2002), the Court, relying in part on Waiters, held

the homemade charge contained the information required by the applicable regulation, 29 CFR § 1601.12. According to the regulation, a charge should contain "a clear and concise statement of facts, including pertinent dates, constituting the alleged unlawful employment practices." Id. At 1601.12(a)(3). At a minimum, the charge must be "sufficiently precise to identify the parties, and to describe generally the action or practices complained of."[7] Id. At § 1601.12(b).

In this case, it would be stretching the point to accept the intake questionnaire as a charge. The questionnaire fails to describe Valderrama's claim with any clarity or precision. In the how-have-you-

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that a timely and substantively sufficient, but unsworn, letter may constitute a charge if later supplemented with a sworn charge.

[7] The regulation also provides that a charge may be amended to "clarify or amplify allegations, or to allege additional unlawful acts." 29 CFR § 1601.12(b).

been-harmed section, Valderrama checked off the boxes pre-marked "Discharge," "Demotion," and "Harassment." In the employer-motivation section, she checked "Race," "National Origin," "Age," and "Retaliation for having complained about discrimination."

In the explain-the-facts section, Valderrama wrote the following:

- "Constant comments about people I greeted."
- "Constant comments identifying my private activities."
- "Comments about my work."
- "Comments about my potential jobs."
- "Comments about my status."

The gist of the complaint is that unidentified persons made comments about her. She fails to describe those comments, state who made them, or connect them to a discharge, a demotion, or harassment. She also fails to connect the comments to racial discrimination, national origin discrimination, age discrimination, or retaliation. In

short, the questionnaire, as completed, does not meet the minimal standard under 29 CFR §1601.12(b).

Furthermore, under the circumstances, the Court cannot reasonably find that by filing the questionnaire Valderrama intended to lodge a formal charge of discrimination. The questionnaire states that Commission employees will use it to determine whether the EEOC has jurisdiction and provide "pre-charge filing counseling." The EEOC did not treat Valderrama's questionnaire as a charge.[8] Assuming that she filed the document on June 13, 2002, Valderrama did not follow up with the Commission

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[8] A Charge serves the important functions of notifying employers of alleged discrimination and initiating the agency's investigation. Chako v. Patuxent Institution, 429 F.3d 505, 510 (4th Cir. 2005). The questionnaire served neither of these aims. There is no evidence that the Commission processed it, assigned a charge number, investigated Valderrame's allegations, or notified Honeywell of her claims.

until November 2, 2004, meaning that she allowed her claim to languish for more than two years.

The questionnaire, therefore, neither satisfies the regulation not "manifests an intent to activate the Act's machinery." Accordingly, it cannot stand service as a charge. Valderrama filed her 2004 charge too late, and Count III is time-barred.

Even if Count III were not barred by limitations, the Court would dismiss it as factually unsupported. According to Valderrama, she was terminated for opposing Honeywell's practice of leaking to outsiders personal information about herself and other employees.[9] To protest this abuse,

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[9] Valderama regards this as a retaliation claim. Title VII's anti-retaliation provision is found at 42 U.S.CC. § 2000e3(a). To establish a prima facie case of retaliation, Valderrama must prove that: (i) she engaged in a protected activity, (ii) Honeywell took an adverse employment action against her, and (iii) the two events are causally connected. Albero v. City of Salisburry, 422

Valderrama typed "PERSONAL PRIVATE INFORMATION LEAKS" as a command on her computer. In response, the UNIX program she was running flashed an error message. She repeated this process several times in succession. Valderrama's theory is that her employer, which was monitoring her computer, construed her typed statement as a protest and fired her in retaliation.

There are many problems with this theory. Most notably, Valderrama offers no evidence that Honeywell was improperly divulging personal information about its employees.[10] Even if Honeywell were doing so, she has not shown how such leaks constitute "a practice made unlawful" by Title VII.[11]

F. Supp. 2d 549, 559-60 (D. Md. 2006) (quoting Honor v. Booz Allen & Hamilton, Inc., 383 F.3d 180, 188 (4th Cir. 2004)).

[10] Honeywell has always denied that it engaged in such surveillance.

[11] Title VII's anti-retaliation provision only protects employees who oppose practices "reasonably believed" to be

Therefore, her "protest," if it may be so characterized, is unprotected by Title VII. Even if it were protected, there is no evidence that Honeywell monitored Valderrama's computer, intercepted her messages, considered them a protest, and then terminated her in retaliation.

The record, which Honeywell comprehensively lays out in its papers, establishes that it had a legitimate, nondiscriminatory reason for terminating Valderrama: her position was eliminated.[12] Lockheed Martin, the prime contractor, requested that Honeywell replace five of its employees with

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unlawful under Title VII. EEOC v. Navy Federal Credit Union, 424 F.3d 397, 406 (4th Cir. 2005). Valderrama has never contended that the "leaks" somehow violated Title VII in the First instance.

12 In its summary judgment briefs, Honeywell fully supports its position with references to the record. Valderrama's Opposition is a miscellany of surmise, speculation and bare assertions.

employees from another subcontractor."[13] Honeywell unsuccessfully tried to persuade NASA that its employees were still needed. Honeywell also tried to find the employees other positions. Eventually, three of the five found work within the company on the "Big Dig" project in Boston. Valderrama and Nancy Johnson, a white female, were unable to find positions at Big Dig and were terminated.

After Honeywell had produced this legitimate, natural reason for terminating Valderrama, it was her burden to prove that the reason was pretextual.[14]

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[13] The five Honeywell employees were: (1) Nancy Johnson (a white female), (2) Jenny Pan (an Asian female), (3) Marcello Reynolds (a Hispanic Male), (4) Liz Morgan (a white female), and Valderrama (Hispanic female).

[14] A Title VII plaintiff must demonstrate that a legitimate nondiscriminatory reason was pretextual by showing "Both that the reason was false and that discrimination was the real reason for the challenged conduct."Smith v. First Union Nat. Bank, 202 F.3d 234, 248 (4th Cir. 2000) (quoting St. Mary'sHonor Ctr. V. Hicks, 509 U.S. 502, 515 (1993)).

This she has not done. Accordingly, the Court will grant Honeywell's motion and dismiss Count III of the complaint.

2. National Origin:

In her complaint, Valderrama raises a claim of national origin discrimination.[15] In her opposition, however, Valderrama never discusses her claim. Accordingly, the Court finds that Valderrama has abandoned it. See Bosley v. Baltimore County, MD., 804 F.Supp. 744, 748, n9 (D. Md. 1992).

3. Sex Discrimination:

In her opposition and for the first time in this case, Valderrama raises the claims of sex discrimination and hostile work environment. Honeywell correctly notes that Valderrama is barred

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15 Among other things, Valderrama alleges that some co-workers teased her by stating that Colombia would appoint her as an Ambassador.

from raising them now, as she neither mentioned them in her two EEOC filing, nor in her complaint.[16]

C. Valderrama's Common Law Claims:

Because the Court is dismissing Valderrama's Title VII claims, there is nothing to which to append the state Claims. Nonetheless, this Court will retain jurisdiction over them. Shanaghan v. Cahill, 58 F.3d 106, 109 (4th Cir. 1995) ("federal courts generally have discretion to retain or dismiss state law claims when the federal basis for an action drops away"). It is prudent to exercise that jurisdiction. Valderrama's claims are so far fetched and factually unsupported that they deserve to be dismissed. This Court is

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16 See Mylan Laboratories, Inc. Akzo. N.V.,770 F.Supp. 1053, 1068(D. Md. 1991) ("it is axiomatic that the complaint may not be amended by {a} brief[] in opposition") (quoting Car Carries, Inc. v. Ford Motor Co., 745 F.2d 1101,1107 (7th Cir. 1984)); Smith v. First Union Nat. Bank, 202 F.3d 234,247 (4th Cir. 2000) (plaintiff's EEOC change defines the scope of her subsequent right to institute a civil suit).

confident that the Maryland state courts would reach the same result.[17]

1. Count I: Invasion of Privacy:[18]

Valderrama contends that HTSI invaded her privacy by (1) following her, (2) bugging her home telephone, (3) installing a listening device in her car, and (4) monitoring her home computer. Honeywell denies that it tool any of these actions. Despite an opportunity for full discovery, Valderrama offers no evidence other than her own suspicious to support her claims. Accordingly, Count I will be dismissed.

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17 The alternative would be for this Court to dismiss the claims without prejudice so that Valderrama could re-file them in state Court. This would be wasteful, because they would inevitably be dismissed as unfounded.

18 Valderrama actually appears to advance a tort claim for "unreasonable intrusion on the seclusion of another." For such a claim, Valderrama must prove that (1) Honeywell intentionally intruded upon her solitude or seclusion or private affairs, and (2) that this intrusion was highly offensive to a reasonable person. See, e.g., Pemberton v. Bethlehem Steel Corp., 502 A.2d 1101, 1116 (Md. Ct. Spec.App. 1986).

2. Count II: Unreasonable Publicity:[19]

To Valderrama's knowledge, NASA never considered her for a job. Yet because her co-workers made comments indicating that she was being considered by NASA, Valderrama concludes that Honeywell was investigating her and spreading rumors about her. She Complaints that her co-workers drew unwanted attention to her, her job prospects, and her professional contacts.

Even if Valderrama's co-workers speculated about her future employment, that innocuous commentary cannot bear weight of an unreasonable

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[19] Under Maryland law, "one who gives publicity to a matter concerning the private life of another is subject to liability to the other for unreasonable invasion of his privacy if the matter publicized is of a kind which (a) would be highly offensive to a reasonable person, and (b) is not of legitimate concern to the public." Klipa v. Board of Educ. Of Anne Arundel County, 54 Md.App. 644, 654-655, 460 A.2d 601 (1983) (quoting Restatement (2d) Torts 652D).

publicity claim. The Tort touches only the intimate details of one's life. See Restatement (2d) Torts 652D, com. B. Accordingly, the Court will dismiss Count II.

3. Count IV: Intentional Infliction of Emotional Distress:[20]

In conclusory terms, Valderrama contends that Honeywell created a hostile work environment that caused her severe emotional distress. She never attempts to show that co-workers intentionally or recklessly tried to harm her, nor does she recount any incidents of indecent or extreme behavior. She complains that her distress caused her work to suffer, but this vague complaint is insufficient to trigger

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[20] To make a claim for intentional infliction of emotional distress, Valderrama must prove that (1) the conduct was intentional or reckless, (2) the conduct was extreme and outrageous,(3) the conduct caused her distress, and (4) that the distress was severe. See Lynn v. O'leary, 264 F.Supp. 2d 306, 312 (D. Md. 2003) (citing Carson v. Giant Food, Inc., 187 F, Supp. 2d 462, 484 (D. Md. 2002)).

liability. The Tort is reserved for only a "disabling emotional response," for "wounds that are...incapable of healing themselves."[21] Accordingly, Count IV will be dismissed.

4. Count V: Negligence:

Valderrama's negligence claim merely rehashes her invasion of privacy and reasonable publicity claims. The Court has already addressed those on the merits. Accordingly, Count V will be dismissed.

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[21] Bryant v. Better Buss. Bureau of Greater Maryland, 923 F. Supp. 720, 748 (D. Md. 1996) (quoting Harris v. Jones, 380 A.2d 611, 616 (Md. 1977)); Caldor, Inc. v. Bowden, 330 Md. 632, 642, 625 A,2d 959, 963 (1993) (quoting Hamilton v. Ford Motor Credit Co., 66 Md. App. 46, 61, 502 A.2d 1057, 1065 (1986)).

III. CONCLUSION

For the foregoing reasons, the Order will, by separate Order, GRANT Honeywell's motion, and DIRECT the Clerk to CLOSE the Case.

Dated this 14th day of February 2007.

/s/

Benson Everett Legg
Chief Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

MARIELA VALDERRAMA,

v. : CIVIL NO. L-05-747

HONEYWELL

MEMORANDUM

This suit, filed *pro se* in the Circuit Court for Howard County, alleges employment discrimination and various tort claims. Now pending are: (i) Mariela Valderrama's (Valderrama") Motion to Remand, (ii) Honeywell's Motion to Dismiss, and (iii) Valderrama's Motion to Seal. The issues have been fully briefed by the parties, and no oral argument is necessary. See Local Rule 105.6 (D. Md. 2004). For the reasons stated below, the Court will, by separate Order, (i) DENY Valderrama's Motion to Remand, (ii) DENY Honeywell's Motion to Dismiss WITHOUT PREJUDICE to refilling as a motion for summary judgment at the close of discovery, and (iii) DENY Valderrama's Motion to Seal.

I. BACKGROUND

Valderrama filed a five-count complaint against Honeywell in the Circuit Court for Howard County.[1] The Complaint alleges the following: Valderrama was an employee of Honeywell Technology Solutions, Inc. for twenty-two years. Beginning in 1997 and continuing until she was terminated May 13, 2002, Valderrama's co-workers and supervisor made offensive comments about her place of origin (Colombia) and sex. In an effort to ridicule Valderrama, Honeywell allegedly leaked her personnel file to co-workers and installed a listening device in her car.

On March 17, 2005 Honeywell removed this suit from the Circuit Court for Howard County.

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[1] Count I - Invasion of Privacy, Count II - Invasion of Privacy with Unreasonable Publicity Given to Private Life, Count III - Intentional Discrimination under Title VII, Count IV - Intentional Infliction of Emotional Distress, and Count V – Negligence.

II. MOTION TO REMAND

Valderrama argues that her suit should be remanded because both she and Honeywell are citizens of Maryland (ie., diversity of citizenship is lacking). Valderrama is suing under Title VII of the Civil Rights Act of 1964. Title VII suits can be heard in state or federal court. When a Title VII suit is filed in state court, the defendant has the option to remove the suit to federal court under federal question jurisdiction. The other counts of the complaint can be removed as well even if diversity of citizenship is lacking. But in the instant case, diversity of citizenship exists: Valderrama is a citizen of Maryland, Honeywell is a citizen of Delaware, and the matter in controversy exceeds $75,000.00. Accordingly, the Court will deny Valderrama's motion.

III. MOTION TO DISMISS

A. Standard

Ordinarily, a complaint should not be dismissed for failure to state a claim under Federal Rule of Civil Procedure 129b)(6) unless it appears beyond all doubt that the plaintiff can prove no set of facts in support of the claim which entitle it to relief. See Conley v. Gibson, 355 U.S. 41, 45-46 (1957); Labram v. Havel, 43 F.3d 918, 920 (4th Cir. 1995). The liberal pleading requirements of Rule 8(a) demand only a "short and plain" statement of the claim. In evaluating such a claim, the Court must accept as true all well-pleaded allegations of fact and view them in the light most favorable to the plaintiff. See Jenkins v. McKeithen, 395 U.S 411,421-422(1969). In essence, the legal theory articulated, or even suggested, by the non-moving party must be one that could not be basis for a ruling in that party's favor.

B. Analysis

Honeywell argues that Valderrama has failed to state a claim under Title VII and any of the tort claims. Honeywell's arguments, while potentially dispositive, are premature. Evaluating Valderrama's claims requires a robust record. Because the parties have not conducted any discovery, the record regarding these issues is incomplete. Accordingly; the Court will DENY Honeywell's motion without prejudice to refilling as a motion for summary judgment at the close of discovery.

IV MOTION TO SEAL

Valderrama seeks to seal the two exhibits that are attached to her Response to Honeywell's Motion to Dismiss.[2] Valderrama states that the exhibits must be sealed "to protect [her] from further annoyance,

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[2] Exhibit 1 is an affidavit from Valderrama detailing the facts that her five-count complaint. Exhibit 2 is Valderrama's Initial EEOC Complaint.

embarrassment or oppression." While the Court appreciates that Valderrama wants to maintain her privacy, she has not met her heavy burden of overcoming the public's right of access to judicial proceedings. See Jennings v. Univ. of North Carolina, 340 F.Supp. 2d 679, 681 (M.D. N.C. 2004). Accordingly, the Court will deny Valderrama's motion.

V. CONCLUSION

For the foregoing reasons, the Court will, by separate Order, (i) DENY Valderrama's Motion to Remand, (ii) DENY Honeywell's Motion to Dismiss WHITHOUT PREJUDICE to refilling as a motion for summary judgment at the close of discovery, and (iii) DENY Valderrama's Motion to Seal.

Dated this 18th day of July 2005.

/s/

Benson Everett Legg
Chief Judge

Appendix C

Scheduling Hearing Order

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

MARIELA VALDERRAMA,

v. : CIVIL NO. L-05-747

HONEYWELL TECHNOLOGY SOLUTIONS, INC.,

ORDER

The Plaintiff, Mariela Valderrama, is alleging employment discrimination and various tort claims against Defendant Honeywell. Ms. Valderrama is representing herself. The Court held a scheduling hearing on November 30, 2005. At the hearing, Ms. Valderrama described the basis for her claims, and the Court imposed new discovery requirements. All previously filed document request and interrogatories are hereby stricken, and neither party may file

request for admissions. Discovery shall proceed according to the provisions of this order.[1]

I. New Deadlines

Discovery shall be completed by February 7, 2006, and dispositive motions shall be filed by March 14, 2006. This Court will hold a telephone conference with both parties after February 7th to assess the status of discovery.

II. Document Productions

Ms. Valderrama shall produce any diary or notes that she kept while the events alleged in the complaint were occurring.

Honeywell shall produce the following documents:

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[1] Honeywell has filed oppositions to several motions that Ms. Valderrama has not filed with the Court. These motions are a Motion to Increase Depositions, a Motion to Compel Answers to Request for Admissions, and a Motion to Compel Answers to Interrogatories. Because Ms. Valderrama's never filed these motions, the Court will not rule on them. Ms. Valderrama is instructed that all motions must be filed with the Clerk's Office.

(1) Ms.Valderrama's personnel file

(2) Ms.Valderrama's complete Human Resources file referencing her complaints to Ms. Boehm, Ms. Devine, and Ms. English.

(3) All documents showing what Human Resources did to investigate Ms. Valderrama's complaints

(4) All documents reflecting the complaints Ms. Valderrama made to her supervisors, including David Wagner

(5) All documents showing what Ms. Valderrama's supervisors, including David Wagner, did to investigate her complaints

(6) All of Ms. Valderrama's performance evaluations from January 1, 1995 through April 29, 2002

(7) All documents relating to the decision to terminate Ms. Valderrama in 2002

(8) All documents relating to the decision to terminate Nancy Johnson

(9) All documents relating to the decision to keep the other five people in Ms. Valderrama's group (Software and Integration)

(10) All performance evaluations of the other six people in Ms. Valderrama's group (Software and Integration)

(11) All documents indicating where the five people in Ms. Valderrama's group, other than Ms. Valderrama's and Nancy Johnson, were reassigned within Honeywell

(12) All documents relating to any security or other investigation of Ms. Valderrama from January 1, 1995 through the April 29, 2002

(13) All documents relating to listening or monitoring devices installed in Ms. Valderrama's car and home computer

(14) All documents pertaining to Ms. Valderrama's alleged participation in a complaint to Honeywell regarding vacation time.

III. Depositions

Ms. Valderrama may take the depositions of the following individuals:

(1) A corporate designee pursuant to Fed. R. Civ. P. 30(b)(6)

(2) Ms. Vittel

(3) Mr. Reynolds

(4) Mr. Luo

(5) Ms. Boehm

(6) Mr. McDonald

(7) Mr. Brown

(8) Ms. Fogelman

(9) Ms. Markuski

(10) Ms. Birlinger

Before the corporate designee depositions, Ms. Valderrama shall write to counsel for Honeywell, Rafael Morell, regarding the topics about which she will question the corporate designee. Mr. Morell will insure that the corporate designee is familiar with these topics.

The Clerk's Office will prepare subpoenas for Pat Fogelman, Adel Birlinger, and Linda Markuski. Ms. Valderrama is responsible for serving these witnesses. Under the rules, the subpoena must be served at least eleven days before the scheduled deposition. See generally Fed. R. Civ. P. 27, 28 and 30 Local Rule Guidelines 4-8.

Honeywell may continue the deposition of Ms. Valderrama. So that Ms. Valderrama may prepare for

the deposition, Mr. Morell will write a letter to Ms. Valderrama beforehand listing some of the questions he may ask her.

IV. Interrogatories

Honeywell shall answer the interrogatories:

(1) Explain why Honeywell terminated Ms. Valderrama.

(2) Explain why Honeywell terminated Nancy Johnson.

(3) Explain why Honeywell did not terminate the other five employees in Ms. Valderrama's group (Software and Integration).

(4) Explain why Honeywell considered the other five people in the group to be more qualified than Ms. Valderrama.

(5) If Honeywell intends to rely on reduction in force as ground for Ms. Valderrama's termination, explain why.

(6) Explain what investigations Honeywell made of Ms. Valderrama's complaints to Human Resources and any step that Honeywell took to correct the problem.

(7) Explain what investigations Honeywell made of Ms. Valderrama's complaints her supervisors and any steps that Honeywell took to correct the problem.

(8) Explain whether Honeywell "bugged" Ms. Valderrama's car. If so, why?

(9) Explain whether Honeywell "bugged" Ms. Valderrama's home computer. If so, why?

(10) Explain whether Honeywell releases any information from Ms. Valderrama's personnel file to her co-workers or NASA. If so, why?

(11) Explain what investigations Honeywell did of Ms. Valderrama between January 1, 1995 and April 29, 2002.

(12) Explain why Honeywell investigated Ms. Valderrama and what Honeywell discovered.

(13) Explain whether anyone in the Test and Integration group complained of discrimination based on sex, age, race or national origin. If so, why?

(14) Does Honeywell have an anti-discrimination policy? If so, produce it?

(15) Does Honeywell contend that the anti-discrimination policy was followed in Ms. Valderrama's case? If not, why not?

(16) Explain whether any investigation of Ms. Valderrama was participated in by NASA or Lockheed Martin. If so, what was the investigation, why was it performed, what information did it disclose, and did it factor into Ms. Valderrama's termination.

(17) Explain whether Ms. Valderrama was investigated as part of the grievance concerning

vacation time? If so, what was the investigation, why was it performed, what information did it disclose, and did it factor into Ms. Valderrama's termination.

(18) Honeywell has denied the allegations in the complaint. State the facts on which Honeywell bases its denials.

(19) Explain why Ms. Valderrama was demoted at the time of the Allied Signal merger with Honeywell.

(20) Explain why Ms. Valderrama was not rated at a higher level at the time of the merger between Allied Signal and Honeywell.

(21) Explain whether Honeywell prohibited witnesses from testifying about facts that would be detrimental to Honeywell. Produce any documents related to those documents.

(22) Does Honeywell have any explanations of why Ms. Valderrama's co-workers told her that she was under consideration to become an ambassador?

(23) Did NASA or Lockheed Martin play any role in the decision to terminate Ms. Valderrama? If so, explain.

(24) Does Honeywell have any information concerning the harassment of Ms. Valderrama at her pool, in her community, or at work? If so, what?

As Ms.Valderrama is not required to answer any interrogatories, she has a continuing obligation to provide information to Mr. Morrell.

V. Discovery on Damages

Pursuant to the discussion on the record at the hearing, discovery on damages will be postponed until after discovery on liability and dispositive motions have been decided.

VI. Ms.Valderrama's Request for a Polygraph Test

On December 6th, the Court received a letter from Ms. Valderrama requesting that the Court order a polygraph of James McDonald and James Brawn. That request is denied.

VII. Conclusion

The Court hereby:

(i) DIRECTS the Clerk's Office to prepare subpoenas for the following non-party witnesses and mail the prepared subpoenas to Ms. Valderrama:

(1) Pat Fogelman
1668 Albermarle
Crofton, Md, 21114

(2) Adel Birlinger
2701 Stronds Court
Crofton, MD 21114

(3) Linda Markuski
2421 Fox Creeks Lane
Davidsonville, MD 21035

(ii) DENIES Honeywell's Motion for Sanctions [Docket No. 30];

(iii) DENIES Ms. Valderrama's Motion to Compel Explanation for Denied Allegations [Docket No. 36];

(iv) DENIES Ms. Valderrama's Motion to Subpoena Honeywell's Classified Record [Docket No. 37]; and

(v) DENIES Ms. Valderrama's Motion to Compel answer to objections or response to request for production of documents [Docket No. 40].

It is so ORDERED this 9th day of December, 2005.

/s/

Benson Everett Legg
Chief Judge

Appendix D

U.S. Court of Appeals Orders

UNITED STATES COURT OF APPEALS
FOR THE FOURT CIRCUIT

No. 07-1700
(1:05-cv-00747-BEL)

MARIELA VALDERRAMA,

Plaintiff – Appellant,

v.

HONEYWELL TECHNOLOGY SOLUTIONS, INCORPORATED,

Defendant – Appellee

O R D E R

The Court denies the petition for rehearing.

Entered at the direction of the panel: Judge MOTZ, Judge GREGORY, and Senior Judge WILKINS.

For The Court

/s/ Patricia S. Connor, Clerk

FILED: February 25, 2008

UNITED STATES COURT OF APPEALS
FOR THE FOURT CIRCUIT

No. 07-1700
(1:05-cv-00747-BEL)

MARIELA VALDERRAMA,

Plaintiff – Appellant,

v.

HONEYWELL TECHNOLOGY SOLUTIONS, INCORPORATED,

Defendant – Appellee

J U DG M E N T

In accordance with the decision of this Court, the judgment of the District Court is affirmed.

This judgment shall take effect upon issuance of this Court's mandate in accordance with Fed. R. App. P. 41.

/s/ Patricia S. Connor, Clerk

Appendix E

U.S. District Court Orders

1. Notice to Appeal

2. Reopen Summary Judgment.

3. Summary Judgment

4. Discovery Motions

5. Denial of Employees

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

MARIELA VALDERRAMA,

Plaintiff :

v. : CIVIL NO. L-05-747

HONEYWELL :

Defendant :

ORDER

Now pending are the following motions by pro se Plaintiff Mariela Valderrama: (i) "Motion to Waive Taxation Bill of Cost, (ii) "Motion for Time to Extend Date of Judgment," and (iii) "Motion to Include Statement of Difference of Opinion Federal Rule Appellate Procedure 5(a) and Notice to Appeal."[1]

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[1] Also pending is Valderrama's "Request to Acknowledge Error on Defendants Oppositions Certificate of Service." (Docket No. 123, filed May 30, 2007.) Valderrama requests the Court to strike Honeywell's oppositions to her motions because, she alleges, Honeywell never served her with copies. The Court

On April 18, 2007, Valderrama filed her Motion to Weive Costs. The Court GRANTS the motion in PART and DENIES it in PART. The motion is GRANTEDin that Valderrama need not pay Honeywell's cost. Valderrama is without means to pay,[2] and Honeywell does not object to relieving her of this obligation. In all other respects, however, the motion is DENIED.

DENIES the motion. Honeywell asserts that its Certificates of Service are accurate. (See Docket No. 125.) Moreover, on May 31, 2007 Honeywell served Valderrama with additional copies of its papers. (See id., Exh. A.) Valderrama does not dispute these points with a reply brief.

[2] In support of her motion, Valderrama filed a financial affidavit that proves that she is financially incapable of paying costs. See Wyne v. Medo Industries, Inc., 329 F. Supp. 2d 584, 586 (D. Md. 2004) (citing Cherry v. Champion Int'l Corp., 186 F.3d 442, 447 (4th Cir. 1999)).

Also on April 18, 2007, Valderrama filed her Motion to Extend Date of Judgment. The Court construes it as a motion for extension of time within which to file a notice of appeal. See Fed. R. App. P.4(a)(5)(A)(i)-(ii). The Court GRANTS the motion. The motion is timely. Valderrama filed her motion within thirty days of the Court's February 14, 2007 judgment, as calculated by the tolling rules found at Fed. R. App. P.(a)4(A).[3]

On May 4, 2007, Valderrama filed her "Notice to Appeal." See Fed. R. App. P. 3. The notice is timely and substantially complies with Rule 3(c)(1)(A)-(C). Valderram does not recognize that it is the Fourth Circuit Courts of Appeals to which she must appeal, however. Accordingly The Court DIRECTS the Clerk to send a copy of Valderrama's notice to the Clerk of

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[3] On March 1, 2007, Valderrama filed a Motion for Reconsideration, which tolled the deadline for filing an appeal.

Court for the Fourth Circuit, as Fed. R. App. P.3(d)(1) requires.

It is so ORDERED this 16th day of July 2007.

/s/

Benson Everett Legg
Chief Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

MARIELA VALDERRAMA,
Plaintiff :
:
v. : CIVIL NO. L-05-747
:
HONEYWELL :
Defendant :

ORDER

Now pending are the following motions by pro se Plaintiff Mariela Valderrama: (i) "Plea for Leave to Renew or Reopen Motion for Summary Judgment," (ii) Motion to reconsider Motion to File Sur-Reply, and (iii) Motion to Waive Bill of Cost.

Valderrama's first two motions must be read together. In essence, the motions ask the Court to reconsider its February 14th, 2007 Memorandum and Order, which granted Honeywell's Motion for Summary Judgment. The third motion requests the

Court to deny Honeywell its litigation cost, and to order Honeywell to pay Valderrams's costs.

As to the first two motions, the Court has reviewed Valderrama's motions, her proposed sur-reply, and the February 14th Memorandum and Order. The Court sees no reason to disturb its ruling. Accordingly, the motions are DENIED.

The Court also denies, though without prejudice to re-filing, Valderrama's Motion to Waive Bill of Cost. In her motion, inter alia, Valderrama states that she is unemployed, and that she "lives of [sic] a modest disability compensation."[1] A non-

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[1] The Court must reject other contentions that Valderrama makes in her motion. Valderrama contends that Honeywell is the wrongdoer in this action, and that it has greater financial resources than she does to pay cost. Despite Valderrama's allegations of wrongdoing Honeywell is the prevailing party.""Wayne v. Medo Industries, Inc., 329 F. Supp. 2d 584, 586 (D. Md. 2004)) citing Cherry v Champion., 186 F.3d 442, 446 (4th Cir 1999). The Fourth Circuit has made clear that Valderrama cannot avoid paying Honeywell's cost simply because Honeywell

prevailing party's indignance may excuse taxation of cost. Wayne v. Medo Industries, Inc., 329 F. Supp. 2d 584, 586 (D. Md. 2004) (citing Cherry v Champion Int'l Corp.,,186 F.3d 442, 447 (4th Cir. 1999). Valderrama, however, has not provided any documentation that would permit that Court to conclude that she is without means to pay. See id. at 588. The Court will allow Valderrama to re-file her motion with proof that she cannot pay Honeywell's costs. The Court directs Valderrama to the "Forms & Manuals" section of the Court's website, which contains a link to the model "Motion for Leave to Proceed in Forma Pauperis."[2] Valderrama should complete the document and attach it as an exhibit to

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enjoys greater wealth than does sl . Id. At 587 (citing Cherry, 186 F.3d at 448).

[2] See http://www.mdd.uscourts.gov/publications/forms/Motion_for_Leave_to_Proceed_FormaP.PDF.

her renewed motion to waive bill of costs. Honeywell will then have the opportunity to respond.

It is so ORDERED this 5th day of April 2007.

/s/

Benson Everett Legg
Chief Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

MARIELA VALDERRAMA,
Plaintiff :
:
v. : CIVIL NO. L-05-747
:
HONEYWELL :
Defendant :

ORDER

Now pending is Honeywell's Motion for Summary Judgment (Docked No. 95) and Valderrama's Motion to File Sur-Reply (Docket No. 101). For the reasons stated in the memorandum of even date, the Court:

(i) GRANTS Honeywell's Motion, and

(ii) DENIES Valderrama's Motion as MOOT.

The Clerk is DIRECTED to CLOSE the CASE.

Dated this 14th day of February 2007.
It is so ORDERED.

/s/
Benson Everett Legg
Chief Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

MARIELA VALDERRAMA, :

v. : CIVIL NO. L-05-747

HONEYWELL :

ORDER

On November 30th, the Court held a scheduling hearing. At the hearing, Ms. Valderrama described the basis for her claims, and the Court imposed new discovery requirements. On December 12th, the Court issued an order striking all previously filed document requests and interrogatories and stating that neither party may file request for admissions. All discovery shall proceed according to the provisions of the December 12th order.

The December 12th order also noted that Honeywell filed oppositions to several motions that Ms. Valderrama had not filed with the Court. These motions were a Motion to Increase Depositions, a

Motion to Compel Answers to Request for Admissions, and a Motion to Compel Answers to Interrogatories. The Court did not rule on these motions in the December 12th order because they were not filed with the Court.

On December 14th Ms. Valderrama filed the motion with the Clerk's Office. [Docket Nos. 44, 45, 46.] As these motions pertain to discovery that was superceded by the Court's December 12th order, the Court hereby:

(i) DENIES Ms. Valderrama's Motion to Increase Depositions [Docket No. 44];

(ii) DENIES Ms. Valderrama's Motion to Compel Answers to Request for Admissions [Docket No. 45]; and

(iii) DENIES Ms. Valderrama's Motion to Compel Answers to Interrogatories [Docket No. 46].

It is so ORDERED this 21st day of December 2005.

/s/

Benson Everett Legg
Chief Judge

Ogletree Deakins
ATTORNEYS AT LAW

OGLETREE, DEAKINS, NASH, SMOAK & STEWART, P.C.
2400 N Street, N.W.
Fifth Floor
Washington, D.C. 20037
Telephone: 202.887.0855
Facsimile: 202.887.0866
www.ogletreedeakins.com

August 25, 2005

Via Certified Mail

Mariela Valderrama
P.O. Box 347
Gambrills, MD 21054

Re: Valderrama v. Honeywell Technology Solutions Inc.
Civil Action No. L05cv0747

Dear Ms. Valderrama:

This letter is to confirm our conversation of August 24, 2005, wherein you indicated that you would like to depose the following individuals, either on Wednesday, September 7, 2005, or at some point during the week of September 5, 2005. Following each individual's name is the status of that person.

1. James McDonald: not at Honeywell
2. Tandy Vattel: not at Honeywell
3. David Wagner: retired 10/25/02
4. Perry Sobrinny: available for deposition
5. Johnny Johns: not at Honeywell

We are unable to contact the individuals who are no longer employed by Honeywell, and I wanted to bring this to your attention.

Sincerely,

/s/
Dionne A. Parker

Appendix F

Mandamus Relief

IN THE UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

Valderama, Appellant	)	
	)	
v.	)	Civil Case: 07-1700
	)	
Honeywell TSI /	)	
Honeywell Int.,	)	1:05-cv-00747-BEL
	)	
Appellee	)	

MANDAMUS TO STOP VIOLATIONS OF LAW

Comes Now, Appellant, Mariela Valderrama, respectfully Pleads the Supreme Court Grant a Mandamus to stop the crime by the Federal Government that has been unduly victimizing her for years.

Appellant wrote to the President of the States regarding Diversity and For Good Help for Colombia S.A. Please refer to Exhibit 1. These exercise of the freedom of speech has caused the government to have her under outrageous malicious and constant unduly

surveillance in violation of the Law that controls every citizen in this nation. Torture, threats of death, induce fear, intimidation, traumatic abuse and constant surveillance during the last five years are in violation of human rights and the United States Law. The severe violations are also against the Geneva's agreement for Prisoners of Foreign Wars.

Nevertheless, these violations are happening in the United States to a regular Naturalized American citizen.

Unduly investigations began at the Appellant formal employer business location at which she provided Software Engineering support on a NASA contract. Investigations reveal Appellant's family worked for the Federal Government handling International Relations secrets. In retaliation against her by the Federal Government of the United States has absolutely no regard for her Citizen or Human Rights.

There is no crime or has been in the past any crime that can tie Appellant to any association whatsoever with political movements or affiliation to subversive groups. She has not joined any organized groups that promote policies against the States. Appellant's professional career for over twenty two years initiated and developed providing Information Technology support to NASA projects on contract under Honeywell TSI and its former mergers companies such Allied Signal Aerospace and Bendix Field Engineering.

United States International Relations in Colombia or any other nation ought not to be taken as a major factor to victimize a natural citizen unduly allowing the use of state of the art technology to commit violations against her. The government through investigations and conspiracy to retaliate against her for exercising the system's right to freedom of speech

has provided the tools to hurt her and deliberate has put her family to intervene on surveillance. Surveillance to hurt a regular citizen committing torture and mental abuse is a silent killer crime. It is a shameless retaliatory government crime to pay and put her own family to hurt her. The crime ought to stop immediately.

Appellant has talked to representatives of Human Right Commission in Annapolis and because the office runs under the Federal Government Mr. Wiseman honestly stated he could not do anything. Mr. Wiseman and the National Security Agency referred Appellant to the FBI location in Baltimore, which after refusing in various phone calls to accept an appointment to submit a complaint finally provided a time for a walked in report to an agent on duty on October 03, 2006. FBI agent on duty that day indicated she could not give her name and that there

was nothing she could do and that if I knew who had such technological advances to let them know. I requested the officer to please inform her superiors of complaint so the FBI could stop the crime and reach a resolution. Another Federal Government location informed about the crime includes the Maryland Attorney General's Office in Baltimore. A meeting took place on October 12, 2006 with Mr. Clark, who listened to the complaint, indicated he could not do anything. Two members of the Senate were also briefly informed. Mrs. Mikulski and Mr. Kennedy. Mrs. Mikulski replied on July 17, 2007 saying that she does not intervene in legal matters. The Nation needs a system that works in benefit of its citizens to stop its own government officials from victimizing innocent citizens. Appellant have felt severely injure many times during the past five years. She is a citizen that had been an active member of society

until the government investigations and retaliation started against her and affected her.

According to the Law, the crime violates various federal, state, constitution and torts laws. It is uncalled for the Government to victimized a citizen because double standard International politics in which the victim has no association that all, but being related (a brother and sister in-law) to United States government employees contributing to the government cause and a friend with authority working for the Pentagon. Their names are not disclosed here for matters of security. The crime is outrageous and has taken place in various public locations such public libraries, Anne Arundel Community College, Church and any place the Appellant is at.

WHEREFORE, Appellant, Mariela Valderrama pleads the Supreme Court that a Mandamus be written to stop the drastic 24/7 surveillance against her. The extremely unnecessary and unduly crime to a citizen of the States is unconstitutionally. The crime has the victim's life turned apart and with no place to report the crime or stop it. Her life is threatened. Government agencies that run investigations and Honeywell the party to which legal case allegations are in this Court of Appeal keep denying facts. The threats of dead lead her to plea for a Mandamus. The crime has contributed to obstruction of justice in this case. Perusing an additional litigation before the unduly surveillance crime stops may cause retaliation to kill her.

I SOLEMNLY AFFIRM under the penalties of perjury, that the content of this Mandamus To Stop Violations of Law is true to the best of my knowledge, information and belief.

Dated: August 9, 20007

Respectfully submitted,

_____/s/_____

Mariela Valderrama
P. O. Box 347
Gambrills, Maryland 21054
(410) 570-7771

Pro Se

Sworn and subscribed to me this 9 day of August 2007. Nicole King Notary Public.

Enclosures:

cc: Court File Original
Opposing Counsel
Appellant Copy

Appendix G

Letter to Department of Justice

Mariela Valderrama

P.O. BOX 247
Lamberts, Maryland 21674
Phone: (410) 370-7771

cc: Civil Rights & Civil
Liberties Complaints
Office of the Inspector General

November 22, 2007

Attorney General
Mr. Michael B. Mukasey
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530-0001

Dear Mr. Mukasey:

I admire your words upon assignment to your government position... reflecting on your concrete view regarding American Citizens Rights. It sounds great to hear that the appointed attorney general looks forward to enforce citizens' rights law and civil rights laws fairly. I am "repugnant" shock about the tactics and unfair treatment the government has maliciously utilized to control me. I live torture under surveillance. The government tinted business revelation has prompted undue victimization. It is an outrageous silent crime.

We are at war. War by no-means should justified violations to the Constitution. Violations of civil rights, privacy, conspiracy, obstruction of justice, engagement on white color fraud, intent to commit murder and deliberate negligent to the situation to torture an American citizen here in the United States of America.

BACKGROUND

The U.S. government has chosen to torture a citizen to cover up tinted business in Colombia S.A. At the same time, the violations intend to inflict physiological abuse through manipulation of her mind. A mind of a citizen, who under unjust investigation, has been targeted by different government agencies (FBI, State, NSA, NASA, Secret Service and DOD) purposely knowing the citizen had a clear record. While the investigations took place, she wrote the President of the United States in January 2003 and in 2005.

I am a citizen, who pleaded the President for Good Help to Colombia S.A. Although, previous to this plea, back-to-back she exercised her right of freedom of speech, wrote to the President concerning diversity.

Mariela Valderrama, is the citizen, who hereby places a complaint. I have taken too much suffering looking for justice. The FBI and Human Rights government's offices, which have heard my complaint simple, resumed meeting concluding they could not do anything. Ms. Peters from the Annapolis, Anne Arundel County Human Relations Commission indicated that since the complaint involves the federal government any complaint filed at a local state office is insignificant. It is smaller than a mustard seed.

The highest government office to direct a complaint is the Justice Department for it I write to you directly. The complaint facts might be regarded as mere speculation from a mental citizen; however, the reality is that I live under constant government surveillance (24/7) that induces torture.

The government has violated my civil rights for too long. We will rush if we assume that there are extraordinary circumstances under national security. I am a naturalized citizen who held a Software Engineer position and other positions within the Information Technology field servicing NASA for over 20 years. I worked for a contractor, Honeywell, supporting NASA at Greenbelt Maryland.

Unlike, Jose Padilla, the enemy combat found to be a terrorist. I am a regular citizen who believed on the system. I am outraged feeling severe pain, suffering and anguish inflicted by the government to oppress me. My record is clean. I had no idea about politics, terrorists' activities or U.S. speculation concerning help.

COMPLAINT

1. Torture: The government has tortured me causing pain, suffering and anguish inducing pain to different part of my body and heart, noise directed to my head. Vibration pain aim to the left side of my head hurts. Their voices comment about every thought then manipulate the mind with their judgment. Repetitions of insults, malicious in nature manipulate the mind with twisted wicks. Etc.

2. Intent to kill: deliberately hurt a person mentally. Murder. Etc.

3. Negligence: according to the law the government is not to hurt citizens to cover international tinted business. Inflicted bodily harm is unduly. Etc.

4. Invasion of Privacy: comments at every activity. Ill manipulations that witness every activity from going to the bathroom... job one; job two... everything personal whereabouts including dressing and intimate activity even sex. Invasion through used of technological devices monitor all my activities. The

cold sarcasm comments on body parts, personal activities. Etc.

5. False light: damage my reputation at gathering and/or public places they regard me as a spy, an ambassador, and a whore... tactics to intimidate. Etc.

6. Obstruction of Justice: I filed allegations against Honeywell for discrimination. The government at is leisure has torture me. I have being left near death. I have felt many times dysfunctional slow, unable to read or talk due to inflicted pain. Comments – "only if you can make it; you will go to court." Etc.

7. Psychological abuse: including severe damage using family to hurt me. Etc.
8. Sexual abuse: Intent to hurt me with nasty sexual and gay comments. Etc.
9. Violation of law: civil rights, constitution, and engaging against federal rights.

10. Conspiracy: use of citizens, family, Honeywell to hurt me. Etc.

CLOSING REMARKS

I, Mariela Valderrama, understand the severity of the above complaint because it relates violations by the government due to their tinted business. Nevertheless, it alleges real facts. Ms. Valderrama has been and continues to be victimized severely. Investigations found my family supports the U. S. A. government underground assignments. Honeywell and government people disclosed the news to me. For it the government has the nerve to utilize family to inflict suffering because I exercised the right of freedom of speech to write directly to the President of the U.S. I have seen them suffering due to the U. S.

The problem became real. My love for, a dear stranger; I met Mr. Frank Chapa while working for Honeywell. Mr. Chapa's work activity and high rank post at the DOD caused agencies to target me unnecessarily or as you might find purposely.

NSA at a job fair in October 2002 told me that I could not seek a job with the agency because my family works for the U.S. guerrilla. Guerrilla? I have been

victimized for this reason. Family... Ms. McKenssey works for the State Department. Dr. Carlos A. Valderrama has worked for the Department of Agriculture. My immediate family members not involved in such assignments have worked for contractors and private firms. In addition, Linda Markusky in connection with FBI and NASA told me to file charges against Mr. Chapa. Why?

The government actions against me are outrageous. They have threatened me with dead "you will be shot", threaten to induce poverty, and threaten that they will hurt my daughter. I've been destroyed. Professionally hurt while looking for a job. Told I cannot hold a job unless I become communist. A job only Mr. Chapa can provide. Mr. Chapa happened to pretend to be my friend. My dear friend, Mr. Chapa has used his authority and/or has been tasked to hurt me. Their cold comments keep highlighting that he can control even the Courts as necessary. The government has utilized my family, names listed above, to torture me in a nasty and unkind manner. The government has hurt me mentally through the use of state of the art technology... has oppressed me.

I need justice, a normal life. To say the least, the violations within the above complaint are unconstitutional. The government's decision to commit such a crime and to use the family to manipulate me is wanton woe. The crime has going on for years, too long. The severe outraged violations against me, Mariela Valderrama, ought to stop.

I appreciate, before hand; you give high priority to encompass a bipartisan comprehensive resolution. A direct approach in which the government recognize their severe violations outlined above have torture me, addressed the unduly abuse that destroyed me. Mariela Valderrama, request a firm determination for justice. Agencies representatives regard me as an alien. The solution is not the common derogatory statement, "if you don't like it, leave." The system's law has been violated. Mariela Valderrama has been sardonically regarded as the foreigner, "alien", "southern pest" due to government outrage; however, I am a citizen under the constitution. A naturalized citizen who recognizes the government maliciously targeted me due to their tinted business. A common tactic to aggravate emotionally using put-downs is a

manipulation to cover their wrongdoing. I'm NOT an alien against the system; on the contrary, it's shocking: the government has chosen to destroy "a citizen" unduly. It is a silent crime.

It is critical to address the problem being open-minded concerning diversity civil rights. AMERICA. We need a system that works without corruption. There is an impact on national security due the United States government misconduct. The agencies have victimized me. The crime continues here in the State of Maryland.

I look forward to hear from you. I can be reached by mail at: P. O. Box 347, Gambrills, Maryland 21054; phone: 410.570.7771.

Respectfully,

_____/s/_____
Mariela Valderrama

_____/s/_____
Lacie S. Hautot
NOTARY PUBLIC 11/23/07
BALTIMORE COUNTY MARYLAND
My Commission Expires Jan. 19, 2010

U.S. Department of Justice

Civil Rights Division

Disability Rights Section-NYA
950 Pennsylvania Avenue, NW
Washington, DC 20530

February 14, 2008

Mariela Valderrama
PO Box 347
Gambrills, MD 21054

RE: US Government Received 1/25/08

Dear Ms. Valderrama:

This Section enforces titles I, II and III of the Americans with Disabilities Act (ADA) of 1990. Title I of the ADA protects individuals with disabilities from discrimination in employment. The Justice Department has jurisdiction only with respect to State or local government employers. The Equal Employment Opportunity Commission (EEOC) has jurisdiction for private employers. Title II of the ADA

protects individuals with disabilities from discrimination in all of the services, programs and activities of State and local government entities. Title III protects individuals with disabilities from discrimination by most privately owned businesses that offer goods and services to the public.

We have carefully reviewed your allegations and have determined that the circumstances you describe do not raise an issue that we are able to address. Therefore, we are taking no further action with another Federal agency with authority to handle this matter. You may wish to consult with a private attorney to determine whether any redress can be achieved through the legal process.

If you have questions about titles II or III of the ADA you may call the Department's ADA information

line at 1-800-514-0301 (voice), or 1-800-514-0383 (TDD). If you have questions about Title I, you may call the EEOC at 1-800-669-4000 (voice), or at 1-800-669-6820 (TDD).

We regret that we are unable to assist you

Sincerely

_____s_____
Cee Cee Allaway
Director, Complaint
Intake & Adjudication

Appendix H

EEOC filed complaints

1. Initial Complaint
2. Sex, Race Complaint
3. Discrimination Allegations
4. Demotion

ES	WMD	UP	GC	NTJ

U. S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Baltimore District Office
10 S. Howard Street, 3rd Floor
Baltimore, MD 21201
PH: (410) 962-3932
TDD: (410) 962-6065
FAX: (410) 962-4270

General

You have alleged that you were illegally discriminated against by your employer. We need the following information from you. Please note that whatever basis you are alleging in your charge, show that same basis for other individuals and your witnesses. For example, if you allege that were discriminated against because of your sex, identify the sex of the individuals and witnesses. If you allege that you were discriminated against because of age and race, identify the age and race of other individuals and witnesses. If you need more space to answer any of these, you attach additional sheets.

(Please think carefully before answering each question because you are asked the end of the questionnaire to declare under penalty of perjury that

your answers are correct. A false statement on any part of this questionnaire may be grounds for the Commission to dismiss your charge.)

* This form is affected by the Privacy Act of 1974; see Privacy Act statement on the last page before completing this form.

Your Name: Mariela Rotella Date: 6/13/2002
Address: 2475 Wintergreen Way City: Gambrills
County: A.A. State: MD Zip Code: 21054
Home phone: (410) 695-0357 Work phone( )
Social Security No: 578-90-5322

Name of employer or organization that discriminated against you:
Name: Honeywell Technology Solutions Inc.
Address: 7515 Mission Dr. City: Lanham
State: MD Zip Code: 20706
Phone(with area code): 410- 964-7559; Rose Boehm HR.
410-964 7513 Cindy English director of HR

Name of head the organization: Dave Wagner
Title of the head of the organization: CSOC Manager
Your date of birth: 01/21/1953 Age: 49 Sex: F
Race: Hispanic National Origen: Religion:
What type of business does the employer engage in?
Number of employees: ( ) 1 to 14 ( ) 15 to 100
( ) 101 to 200 ( ) 201 to 500 (X) More than 500

Provide the name of an individual at a different address who we can contact if we are unable to reach you:

Name:_____ Relationship:_____

Phone:_____

Address:_____

1. How have you been harmed?

( ) Not hired (X) Discharge (X) Demotion
( ) Promotion ( ) Layoff ( ) Other terms
( ) Transfer ( ) Retirement of employment
( ) Leave ( ) Benefits (specify)____
( ) Pay (X) Harassment
( ) Discipline ( ) Sexual Harassment
( ) Accommodation of a disability

2. Date of Harm:_____

3. What was the thing about that motivated the employer or union to take whatever action it took against you?

(X) Race ( ) Pregnancy (X) National Origin
( ) Color ( ) Religion (X) Age
( ) Sex ( ) Disability
(X) Retaliation for having complained about discrimination.

4. If you believe you were discriminated against because of a disability, indicate:

Brief description of disability:_____

How long the disability will last:_____

How the disability limits you in important daily activities (such as breathing, concentrating, sleeping, seeing, walking, lifting, and so on) _____

_____

5. Explain the facts that lead you to believe that your employer or union discriminated against you:__
Constant comments about people I greeted.
_____,_____,_____ identifying my private activities
Comments about what I typed on the computer
Comments about my work
Comments about my potential jobs
Comments about my status.

6. Were you ever at any time asked t sign an agreement that required that all disputes between you and employer be resolved solely through binding arbitration? Yes( ) No( ) If yes, attach a copy of the agreement. If you do not have a copy, where can we obtain one? Briefly describe the terms of the agreement as you understand them, and indicate when it was presented to you._____

_____

_____

(Attach copies of any document which you believe

would support your discrimination claim.)

*** ATTACH ADDITIONAL SHEETS AS

NECESSARY***

(Complete as many of the following questions as

apply)

Worked 22 years for Co.
Job Title: Software Engineer 2 Date hired: 1999-2002
Salary: 51,000
Name of immediate supervisor: Chii-Der Lou

Supervisor's Title: Manager S/W SSE Dept.
Unit, department or division: 347
Number of employees in department or division: 7
Number of employees with the same job title: 7?

Provide the following information for any witness who will provide evidence to support your allegations:

Name: Tony Walsh
Home phone: ( )
Work phone: (301) 397- 5147
Address:

Nature of the evidence they will provide: Know about Comments, He is a S/W lead for TRW a contractor for the same project

Name: Vera Hendrix; Lucinda Taylor
Home phone:
Work phone:
Address:

Nature of the evidence they will provide: Honeywell employees reported to HR about comments I was getting. Dave Hamblin–805-3603

Have you sought assistance from any other government agency, union, attorney or other source?
( )yes ( )no
Name of source of assistance:_____
Results, if any:_____

Have you filled an EEOC charge in the past?
No X Yes__
If yes, provide: Date filed:____ Charge number_____
Organization charged_____

I declare (certify, verify or state) under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Date: Signature: ____s____

M Rotella

PRIVACY ACT ATATEMENT

(This form is covered by the Privacy Act of 1974, Public Law 930579. Authority for requesting the personal data and the uses therefore are given below.)

FORM NUMBER/TITLE/DATE:EEOC FORM 233, INTAKE QUESTIONNAIRE, AUGUST 1987 AUTHORITY:42 U.S.C. 2000e5(b), 29 U.S.C. Section626.

PRINCIPAL PURPOSE: The purpose of this questionnaire is to solicit information to enable the Commission to avoid the intake of matters not within its jurisdiction.

ROUTINE PURPOSES: Information provided on this form will be used by the commission employees to determine the existence of facts relevant to a decision as to whether the Commission has jurisdiction over potential charges, complaints or allegations on

employment discrimination and to provide such pre-charge and federal agencies as may be appropriate or necessary to carry out the Commission's functions. This would include employment practices laws. Information may also be disclosed to Charging Parties in consideration of or connection with litigation.

WHETHER DISCLOSURE IS MANDATORY OR VOLUNTARY AND EFFECT ON INDIVIDUAL FOR NOT PROVIDING INFORMATION: THE PROVISION OF THIS INFORMATION IS VOLUNTARY BUT THE FAILURE TO DO SO MAY HAMPER THE Commission's investigation of a charge of discrimination. It is not mandatory that this form be used to provide the requested information.

120200405863N

Name: Mariela Valderrama Date: 9/15/04

HARASSMENT (SEXUAL, RACIAL, ETC.) QUESTIONAIRE

Provide specific examples of all alleged verbal and or physical harassment. Be as exact as you can be in describing each act of harassment (e.g.. the exact words that were said and/or the exact nature of any physical harassment). If more space is needed for any response, please use additional pages.

1. For each act of alleged harassment, indicate the following:

a) Detail description of the harassment, including dates:

Invasion of Privacy let to personal comments:
"She does the same to the secret service."

1. Linda Winchell "You are not much; you are going to be an Ambassador" Laughed. At the widespread rumor.
2. Johnny Jones "She does not look like much, She is not much. She knows NASA Management. She can get some business," then sardonically laughed.
3. Jim McDonald"You are a spy, You make out w/ dogs."
4. Linda Kiss "Achenson" "I know your life."

b) Name and title of person(s) doing the harassment and the working relationship of each person to you (e.g., immediate supervisor, co-worker):

Immediate Supervisor, coworkers, managers.

1. Secretary for other dept. Linda Winchell.
2. Johnny Jones, manager for other dept.

3. James McDonald, software lead.

4. Linda Kiss, N/A contractor or w/ company.

5. Bombarded by many coworkers and some managers with comments some White coworkers said "you favor blacks" & Black coworkers said "you just like white."

HARASSMENT QUESTIONAIRE

5. Did you report the harassment to any employer official or representative? (X)yes ( )No

a) Name of person Rose Boehm, Cindy English.

b) Job Title HR Generalist, Director- Human Resources.

c) Which act or acts of harassment did you report?
Verbal harassment. Discriminatory comments.

d) When did you report this harassment?
Oct. 2001; January 2002; March 5, March 7 2002.

e) Did you report this harassment orally or in writing?

Orally 3 times, and March 7, 2002 via email & phone.

f) If in writing, do you have a copy of complaint? If so, please attach.

Attachment – email 1 0f 1

g) What happened as a result of your complaint? If you received a written response, please attach a copy.

Ignored: Verbally harassed with comments stating they will not give me anything in writing.

120200405863N

Name: Mariela Valderrama Date: 9/15/04

DISCIPLINE QUESTIONAIRE
(DEMOTION, SUSPENSION, DISCHARGE, ETC.)

1. Provide your employment history with the Respondent employer as follows:

(a) date of hire: 5/5/80

(b) position title at time of hire: Operations Specialist

(c) position title at time of most recent discipline: Software Engineer

(d) date you were selected for the job you held at the time of the most recent discipline: 1999- 2002

(e) name of section/department at time of most recent discipline: Dept. 347

(f) name and title of your immediate supervisor at time of most recent discipline: Chiider Lou; James Braun; James McDonald

2. Describe the most recent discipline (discharge, suspension, demotion, etc.) given you: Reduction in Force

3. What explanation was given to you as reason(s) for your receiving this most recent discipline? Reduction in Force. The company was not funded to pay for any more services "work".

4. On what date were you told of the discipline to be given you? On Monday, April 29, 2002

5. Were you informed orally or in writing of this discipline? Orally and in writing

6. What are the name and title of the person who informed you of the discipline to be given? Generalist, Human Resources Dept. Rose Boehm

DISCIPLINE QUESTIONAIRE (p2)

7. If known, is the person identified is Q.#6 the person who recommended your discipline? No. If not, NASA – ordered My job to be eliminated as told by coworker James McDonald.

8. What is the employer's discipline policy related to alleged performance deficiencies?

9. How do you know what this discipline policy is?

10. Did you have performance problems to the extent claimed by your employer? In no, what is your version of your performance record and how can this be documented?

11. Is performance documented by means such as manual or computer-generated sales records,

productivity reports, etc.? If yes, describe the type(s) of reports generated. If there are such reports or listings, explain to the best of your knowledge how the employer keeps track of performance-related matters.

DISCIPLINE QUESTIONAIRE (p3)

COMPARATIVE DATA was anyone else in a situation similar to yours? If so, what happened to him, her, or them? Name all such similarly-situated individuals (for example, all persons in the same job title under the same person who made the decision regarding the adverse action you suffered) and describe their treatment, whether it was better or worse than or worse than or the same as yours. Identify all named individuals in terms of the basis you selected, that is, by race, sex, whatever basis applies in your case. ___

Operations employer Enrique Rojas was investigated to become an Ambassador. He was not harassed. He was not label as a spy or a terrorist.
Mr. Rojas came from the same country " Colombia S.A." He did not receive discriminatory, demeaning about himself, race or place of origin. He is consider a "white" Hispanic.

RESPONDANT"S EXPLANATION Was an explanation given by the company for what happened? If so, identify by name and title the person who provided the explanation and describe that explanation. Is there a policy and/or practice in the company regarding what happened? Explain.

____No explanation was given, Human Resources ignored the issue. Personal private information should not be used to intimidate people._____

Please indicate whether you have signed a waiver (release) in connection with your employment situation: ( ) Yes (X) No.

As a result of signing a waiver, have you received any consideration in addition to what you would have been entitled without signing the waiver? ( ) Yes ( ) No
If so, please specify what additional benefit you received: N/A

If you have signed a waiver and have a copy of it, please attach to this document.

MISELLANEOUS INFORMATION:

My married name was Rotella

If you referred to relevant documents in the above responses, such as discharge or disciplinary notices, and you have copies of them, please attach them.

Declare under penalty of perjury that I have read the above statements and that they are true and correct.

s
Signature

9/14/04
Date

ALLEGATIONS OF DISCRIMINATION (p.5)

Who you believe can provide relevant information regarding any of your allegations of discrimination. Give name, home telephone number, address if known, and a brief explanation of what each person should be able to tell EEOC.

Cindy English –	410· 964·7513
Tandy Vattel –	301· 286·3455
"TRW" Tony Walsh –	301· 397·5147
Dave Hamblin –	301· 805·3603
Rose Boehm –	410· 964·7259
Jill Devine –	301· 805·3549
Chii·der Lou –	301· 805·3609
Pat Fogleman –	410· 721·2064
Jim MCDonald –	301· 805· 3564

CONTACT PERSON Please provide the name of an individual at a different address who is in the local area and who would know how to reach you.

Name Dr. Carlos Valderrama Mckensay
Relationship Brother

Address 3314 19 Street N.W. City Washington DC. 20010 State DC Zip Code 20010

Area Code/Telephone Number 202 – 232·7150
Work 202· 463·6660

ALLEGATIONS OF DISCRIMINATION (p.6)
ADDITIONAL INFORMATION

1. Choose one of the following:

a) (x) I want to file a charge

b) ( ) I DO NOT WANT to file a charge at this time.

c) ( ) I want to speak with an EEOC Representative before this is filed as a charge.

2. Indicate which of the following applies:

a) ( ) I have not filed a charge with any other agency concerning these same matters.

b) (x) I have filed a charge with any other agency concerning these same matters:

Name of Agency _____

EEOC Baltimore 10 S Howard ST.

Date Filed 6/13/02

† Agency docket number could not be found

c) ( ) I am scheduled for an interview with the agency named below:

Name of Agency_____

Date of Scheduled Interview_____

Location of Interview_____

Name of Interview_____

d) ( ) I have received a Questionnaire to be completed from the agency named below:

Name of Agency_____

e) ( ) I mailed the Questionaire back to the agency named above on or about:

_____s_____ ___9/14/04__

Signature Date

ALLEGATIONS OF DISCRIMINATION (p.2)

EMPLOYMENT HISTORY (for example, date of hire, position hired into, title of each position held, dates in each position or employment sought and position applied for.):

05/05/80 – Operations Specialist.
12/86 - 2/88 – Programmer
2/88 - 1994 – Scientific Systems Programmer ;
Sr. Scientific Systems Programmer
1994 - 1999 – Acceptance Test Engineer
1999 - 2002 – Software Engineer

BRIEF EXPLANATION OF WHAT OCCURRED Give a description of the events leading to the incidents of harm and describe in detail the harm that occurred: When did it happen, who did it, how did it happen, where did it happen? Be sure to give names and titles of persons involved, incidents and dates of each incident, and any which support complaint.

Please Refer to 2 of 2 pages attached typed. The scrutiny intensify to the day I was let go. In addition, at the EDOS computer room coworkers started to constantly give me comments, "Jim McDonald and System engineer for EDOS", the comments regarded software I had work with. They implied I had provided the code to second parties outside the company. The System Engineer gave me the code when we worked for GRS program to verify and study code to find the holes and flows.
On Monday April 29, 2002
Rose Boehm who informed me that I was being discharged; she told me "The fact that you have a relative working in a High Visibility position for the State Department affect you, we have to let you go."

The Company placed me in false light before coworkers and community. They publicized my life negatively. They jump to conclusions stating via negative demeaning comments "you will not be an ambassador." The scrutiny matter divulge my finances and private life and Family addresses, status, and then the company maliciously stating PRO's and CON's.

During the last 18 months at Honeywell Technology Solutions Inc., Ms. Valderrama received constant discriminatory, demeaning and intimidating comments regarding her appearance, family and life outside of work as follows:

- Constant comments about people I greeted outside from work.
- Constant comments identifying my private activities.
- Constant comments about what I typed on the computer.
- Constant comments about my work.
- Constant comments about what they thought my potential job could be based on my place of origin.
- Constant comments about the way I looked based on my appearance and Hispanic race.
- Constant sardonic comments about me and family social status.

Employees from the secret clearance department within the company constantly stated putdowns. Some of these employees's cubical 'office-space' were

located two rows down from mine. These employees gather by Linda Winchell's cubical and loud reported my private events intimidating. Their manager Johnny Jones used sardonic demeaning comments and laughed at me with Bruce Schnelk about my presence based on race and place of origin. As I went by his office they comment "she does not look like much, but she knows people at NASA. She can get some business." Then they sardonically laughed again. Coworkers Jim McDonald the software lead mentioned personal issues and stated that the company was using him to intimidate me with personal comments.

The network lines between the company location at GCP and NASA GSFC were monitor and control. I received demeaning comments regarding my work. I started using software variables to identify the verbal harassment I was encountering. One morning after

receiving comments of weekends events when I visited a friend Pat Fogleman who works for NASA. They told me from the cubical beside mine that the present I gave her met the code of company conduct.

Their comments increased and unexpectedly they said "your daughter is getting a free ride." Linda Kiss or "Achenson" whose daughter attends the same school as my daughter and worked for them was the one giving my daughter a ride home. My private information was being logged on computers accessed by many and the private information that Linda Kiss was giving them was maliciously intended. Coworkers such as Dave Hamblin and Marcello Raynolds stated that indeed my private information being dispersed over the network and logged in computers.
Other employees such Ray Duvall, Nancy Jhonston, Linda Winchell, Cathy Berclay, Dave Wagner's

secretary, and Tandy Vattel also stated that I was been investigated and that I was going to be an Ambassador for my place of origin.

In October 2001, I reported the inappropriate comments to the Human Resources department. I talked with generalist Rose Boehm about the bombarded, intimidating comments I was receiving. A few days after, an employee went by my cubical and said "we cannot give you anything in writing." I talked again to Rose Boehm who ignored my report of verbal harassment and said "You know NASA management." I inquired again for a written explanation of why I was been verbally harassed.

In January 2002, I expressed my concern regarding verbal harassment to manager Dave Wagner who had also given comments about people I knew outside the

work place. Also in January, I received bombarded comments from Manager Charles Manfield mentioning: "You know NASA management."

In March 6, 2002 I went to Human Resources Office and Jill Divine provided the name and phone number for Cindy English their director. She said: "You know we are checking on you. We know you know NASA management you can help us." I called Cindy English several times, but she never returned my call. I also e-mail her and she ignored the issue.

One morning while receiving comments of my private life, I typed on capital letters via the network "PERSONAL PRIVATE INFORMATION" immediately employees who check in the network lines said "you are telling on management."

James Brawn the manager for software services dept. 347 went by my cubical talking and putting me down. On March 25th as I was picking up my check stab; James Brawn told me "we know the tips are internal, but we have to do business."

120200405863N

Name: Mariela Valderrama Date: 9/15/04

DISCIPLINE QUESTIONAIRE
(DEMOTION, SUSPENSION, DISCHARGE, ETC.)

1. Provide your employment history with the Respondent employer as follows:

(a) date of hire: 5/5/80

(b) position title at time of hire: Operations Specialist

(c) position title at time of most recent discipline: Software Engineer

(d) date you were selected for the job you held at the time of the most recent discipline: 1999- 2002

(e) name of section/department at time of most recent discipline: Dept. 347

(f) name and title of your immediate supervisor at time of most recent discipline: Chiider Lou; James Braun; James McDonald

2. Describe the most recent discipline (discharge, suspension, demotion, etc.) given you: Reduction in Force

3. What explanation was given to you as reason(s) for your receiving this most recent discipline? Reduction in Force. The company was not funded to pay for any more services "work".

4. On what date were you told of the discipline to be given you? On Monday, April 29, 2002

5. Were you informed orally or in writing of this discipline? Orally and in writing

6. What are the name and title of the person who informed you of the discipline to be given? Generalist, Human Resources Dept. Rose Boehm

DISCIPLINE QUESTIONAIRE (p2)

7. If known, is the person identified is Q.#6 the person who recommended your discipline? No. If not, NASA – ordered My job to be eliminated as told by coworker James McDonald.

8. What is the employer's discipline policy related to alleged performance deficiencies?

9. How do you know what this discipline policy is?

10. Did you have performance problems to the extent claimed by your employer? In no, what is your version of your performance record and how can this be documented?

11. Is performance documented by means such as manual or computer-generated sales records, productivity reports, etc.? If yes, describe the type(s) of reports generated. If there are such reports or listings, explain to the best of your knowledge how the employer keeps track of performance-related matters.

Appendix I

Declaration under Title 28 §1746

No._____

IN THE

Supreme Court of the United States

Mariela Valderrama	Petitioner
	v.
Honeywell TSI / Honeywell Int.	Respondent(s)

OBSTRUCTION OF JUSTICE

Petitioner, Mariela Valderrama, respectfully moves this Court pursuant US Code Title 28 § 1746 (2) law to permit enter into supporting evidence the following declaration made under oath:

I, Mariela Valderrama, declare under penalty of perjury that that the foregoing is true and correct.

The Department of Defense employee, Mr. Frank Jr. (Francisco) Chapa known at NASA GSFC, by Respondent and by Petitioner has delivered harm Petitioner as the litigation developed and continued to higher Courts. Mr. Chapa violations against petitioner constitute Obstruction of Justice by the Contractor of Honeywell TSI the government of the United States.

Respectfully Submitted,

_____s_____
Mariela Valderrama

_____s_____
DENISE LEMKE 6/20/2008
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires: 4/1/2010

Executed on June 20, 2008

89886

State of Maryland, Anne Arundel County, Set.

I, ROBERT P. DUCKWORTH, Clerk of the Circuit Court for Anne Arundel County, Maryland, a court of record, do hereby certify that Denise Lemke was a commissioned, appointed and qualified Notary Public commencing on the 28th day of February, 2003.

In Testimony Whereof, I have hereunto set my hand and affixed the seal of the court this 20th day of June, 2008.

Robert P. Duckworth

Robert P. Duckworth, Clerk
Circuit Court for Anne Arundel County, Maryland

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(2)

No. 08-188

Supreme Court, U.S.
FILED
SEP 15 2008
OFFICE OF THE CLERK

In The Supreme Court of the United States

MARIELA VALDERRAMA,

Petitioner,

v.

HONEYWELL TECHNOLOGY SOLUTIONS, INC.,

Respondent.

ON PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT

BRIEF IN OPPOSITION

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QUESTION PRESENTED

Whether the United States Court of Appeals for the Fourth Circuit properly affirmed the entry of summary judgment against a former employee of Honeywell Technology Solutions, Inc. ("HTSI") who claimed that HTSI discriminated and retaliated against her in violation of Title VII of the Civil Rights Act of 1964.

PARTIES TO THE PROCEEDING AND STATEMENT PURSUANT TO RULE 29.6

The caption of the case contains the names of all the parties. Respondent, Honeywell Technology Solutions, Inc., is a subsidiary of publicly traded Honeywell International, Inc. (NYSE: HON).

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No. 08-188

IN THE
SUPREME COURT OF THE UNITED STATES

MARIELA VALDERRAMA,
Petitioner,

v.

HONEYWELL TECHNOLOGY
SOLUTIONS, INC.,
Respondent.

On Petition for a Writ of Certiorari to the United States Court of Appeals for the Fourth Circuit

BRIEF IN OPPOSITION TO PETITION FOR A WRIT OF CERTIORARI

Petitioner Mariela Valderrama asks this Court to review the Fourth Circuit's decision in *Valderrama v. Honeywell Technology Solutions, Inc.*,[1] in which the United States Court of Appeals for the Fourth Circuit affirmed, in an unpublished *per curiam* opinion, the

[1] *See Valderrama v. Honeywell Technology Solutions, Inc.*, 473 F. Supp. 2d 658 (D. Md. 2007), *aff'd*, 267 Fed. Appx. 256 (4th Cir. 2008)(respectively appended in Appendix to Petitioner's Petition for Writ of Certiorari ("Pet. App.") at Appendix B-1 and Appendix A).

decision of the United States District Court for the District of Maryland granting HTSI's Motion for Summary Judgment.

Ms. Valderrama does not articulate any proper reason for this Court to grant her Petition for Writ of Certiorari. Accordingly, the Court's resources are best served by not elevating the instant petition to its discretionary docket, a docket necessarily reserved for ninety or so of the most meritorious cases screened each term.

STATEMENT

On April 29, 2002, Ms. Valderrama's employment with HTSI ended as part of a reduction-in-force. Pet. App. B-1 at 4. On November 2, 2004, Ms. Valderrama filed a charge of discrimination with the EEOC. *Id.* at 5. On February 8, 2005, Ms. Valderrama filed her civil action against HTSI. *Id.* at 1-2. Ms. Valderrama's Complaint alleged: discriminatory discharge and retaliation in violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e, *et seq.*; invasion of privacy; invasion of privacy with unreasonable publicity given to private life; and intentional infliction of emotional distress.

After discovery, HTSI filed a Motion for Summary Judgment under Rule 56 of the Federal Rules of Civil Procedure. The district court granted HTSI's Motion for Summary Judgment. In its decision, the district court found that Ms. Valderrama's Title VII claims were time-barred. The district court went on to hold that even if Ms. Valderrama's Title VII retaliation claim was timely, it

would be dismissed as factually unsupported. *Id.* at 11-15. The district court further held that Ms. Valderrama abandoned her Title VII national origin claim, *id.* at 11-15, and that Ms. Valderrama was barred from raising sex discrimination because she had not alleged it in her Complaint or included it in her EEOC filing, *id.* at 15-16. The district court also dismissed Ms. Valderrama's common law claims. *Id.* at 16-20.

On February 25, 2008, the United States Court of Appeals for the Fourth Circuit affirmed the district court's opinion. Pet. App. A. On March 28, 2008, the Fourth Circuit denied Ms. Valderrama's petition for rehearing. Pet. App. at D-1.

REASONS FOR DENYING THE WRIT

A. THE PETITION DOES NOT PRESENT A SUBSTANTIAL FEDERAL QUESTION.

The Court's jurisdiction is properly reserved to resolve important issues of federal law, and then only when the circuit split on an important issue is profound or widespread. *See generally* Robert L. Stern et al., *Supreme Court Practice* at 170-171 (7th ed. 1993). The instant case does not meet that standard.

Question 7 of the petition raises the issue of whether the district court properly applied the standards under Rule 56 of the Federal Rules of Civil Procedure in granting HTSI's Motion for Summary

Judgment.[2] In essence, however, the petition invites this Court to delve into fact-bound determinations that conform with prior decisions of this Court and involve no error that would justify the exercise of this Court's discretionary jurisdiction.

Ms. Valderrama essentially takes issue with the district court's: (1) factual findings; (2) finding that she had not previously asserted a sex discrimination claim; and (3) finding that Ms. Valderrama's Title VII claims were untimely. Regardless of whether the charged errors concern purely factual findings or the alleged misapplication of the law, further review is not warranted. Sup. Ct. R. 10.

First, Ms. Valderrama does not and cannot maintain that the Fourth Circuit's decision conflicts with that of any other federal court of appeals so as to warrant review. *See* Sup. Ct. R. 10(a).

Second, Ms. Valderrama does not and cannot claim that the Fourth Circuit's unpublished opinion determined an important question of federal law that this Court either has not previously decided or has previously decided in a conflicting way. *See* Sup. Ct. R. 10(c).

Third, even if Ms. Valderrama had raised any worthy legal question, this case would be a poor vehicle for deciding it because the record so clearly fails to support a claim of discrimination. In fact, the district court specifically held that HTSI had

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[2] The other questions presented by Ms. Valderrama raise issues that were not part of the original proceeding before the district court or implicate parties other than HTSI.

established that it had a legitimate nondiscriminatory reason for terminating Ms. Valderrama's employment and that Ms. Velderrama had not established that HTSI's stated reasons for the termination of her employment were pretext. Pet. App. B-1 at 13-15. Because revisiting the district court's well-supported determinations is unlikely to alter the outcome of the case, further review is unwarranted.

CONCLUSION

For the reasons stated, the petition should be denied.

Respectfully submitted.

/s/
John R. Woodrum
Counsel of Record
Rafael Eloy Morell
OGLETREE, DEAKINS, NASH,
SMOAK & STEWART
2400 N Street, N.W., Fifth Floor
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Counsel for Respondent

September 15, 2008

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(3)

No. 08-188

FILED
SEP 25 2008
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SUPREME COURT, U.S.

In The Supreme Court Of The United States

Mariela Valderrama — Petitioner

v.

Honeywell TSI / Honeywell Int. — Respondent(s)

On Petition For Writ Of Certiorari - To review decision by United States Court of Appeals for the Fourth Circuit
Petition for Writ of Mandamus-Civil Rights in violation of The Constitution of the United States
Questions of Law to the Supreme Court
And Lower Court Judgment

REPLY TO BRIEF IN OPPOSITION TO PETITION FOR WRIT OF CERTIORARI

Mariela Valderrama
Pro Se

P O Box 347
Gambrills, Maryland 21054
410.570.7771

QUESTIONS PRESENTED

Respondent elevated one of eight questions as follows:

Whether the United States Court of Appeals for the Fourth Circuit properly affirmed the entry of Summary Judgment against a former employee, of Honeywell Technology Solutions, Inc. ("HTSI") subsidiary of Honeywell International, who claimed that HTSI discriminated and retaliated against her in violation of Title VII of the Civil Rights Act of 1964.

Petitioner raised Eight Questions in the Petition for Writ of Certiorari. Please refer to Petition pages numbered: i to xiii.

LIST OF PARTIES

A. Petitioner: Mariela Valderrama

Address: P O Box 347
Gambrills Md. 21054

Phone Number: Cell 410.570.7771

Disclosure Statement: Petitioner, Mariela Valderrama, is a regular individual whom pro se party is no parent or publicly held company owning 10% or more of the corporation's stock or any other publicly held entity.

B. Respondent(s):

(i). Honeywell Technology Solutions Inc.

Address: 7000 Columbia Gateway Dr.
Columbia Maryland 21046

(ii). Honeywell International
Corporate Law Department
Assistant General Counsel
Michael E. Ferrans

Address: 101 Columbia Road
P.O. Box 2245
Morristown, New Jersey
07962

Phone Number: 973-455-3845
073-455-5343 Fax

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REPLY TO BRIEF IN OPPOSITION TO PETITION FOR WRIT OF CERTIORARI

Petitioner, Mariela Valderrama, respectfully requested this Court issue a Writ of Certiorari for various compelling reasons. Valderrama v. Honeywell is a complex case. Ms. Valderrama presented adequate reasons for granting the petition. The petition clearly explained the various extraordinary circumstances unique to this case. Hereby, Petitioner plea this Court takes into consideration this Reply to responder's brief in opposition to petition for a Writ of Certiorari. The Justices time would not be waste in vain to the contrary elevating the instant petition to its discretionary docket for discussion will bring to light various violations to the Constitution of the United States of America. Ms.Valderrama has presented a meritorious case to this Court.

STATEMENT

The decision that granted Summary Judgment failed to look at all the evidence presented. The complex case presented various motions that resulted being denied and motion presenting an affidavit with evidence in opposition to Summary Judgment mooted. Petitioner raises questions to the Supreme Court because lower Courts have long believed that, in discrimination cases, where intent and motive are at issue, summary judgment is disfavored.* Wallace v. DTG Operations, Inc., 442 F.3d 112 "Although Rule 56 contains only one standard, we must exercise particular caution when examining the factual

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* Words on page 216

question of intent to ensure that we dutifully extend all justifiable in favor of the nonmoving party." The lower Court granted the respondent's Summary Judgment motion on the eve of trial.

First, the analysis for grant of Summary Judgment mentions Federal Rule of Civil Procedure 56. The nonmoving party did not receive the light most favorable. The lower Court paramount favoritism to Respondent took denial of claims as true evidence, even though.[1] Petitioner compelled denials and credibility of Respondent. Appellate courts constructing 56 standards consistently hold that if the outcome hinges in whole or in part on the state of intent or witness credibility, summary judgment should not be granted. The problem of witness credibility is of critical importance, most particularly in circumstances like this case where perception and credibility are inextricably intertwined. The motives and credibility of the parties are matters of fact for the jury, not matters of law for the court. Sactor v. Arkansas Natural Gas Corp., 321 U.S. 620 at 624

Moreover, where there exits doubt as to the credibility of a material witness – not to mention a party- summary judgment is never appropriate. Wright & Miller, Federal Practice and Procedure: Civil 3d § 2726; Moore's Federal Practice § 56.15[3].
"...witnesses credibility is solely within the jury's province and [courts] may not...make credibility determinations. " U.S. v L.E. Cooke Co., 991 F2d 336 at 343

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[1] Refer to Petition for Writ Cautionary, Appendix B-1 page 17. Valderrama have presented the involvement of the government and compelled for classified information was denied.
* Words on page 251

The mooting affidavits in opposition to Summary Judgment show question of federal law. It is unconstitutional against the first amendment. The evidence made reference to extraordinary circumstances created by the federal government. It is against the first amendment for a citizen of the United States to be unable to present evidence because the client of the responder happens to be NASA in turn the government.

"Amendment I

> Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peacefully to assemble, and to petition the government for a redress of grievances."

Responder adverse employment action evidence shown to the lower Court raised a casual connection to the government. Responder supports the government for profit. Petitioner worked for a contract with NASA.

Second, On April 14, 2005 the lower Court received Opposition to Motion to Dismiss. Since the initial Opposition to Motion to Dismiss petitioner clearly wrote on affidavit the sexual comments that created a hostile work environment.[2] This matter addresses a perceived misstatement. Respondent's counsel Morell entered the litigation's defense at the time for

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[2] Please refer to Appendix A and Appendix B of this Brief.

* Words on page 198

Summary Judgment. The lower Court Memorandum dated July 18, 2005 - Appendix B-2 in the Petition to Writ Certiorari page 2 stipulated "Sex and National Origin". The Court Ordered to proceed with discovery under Title 42 U.S.C. §2000e, et seq. elevating discrimination based on Sex and National Origin. Appendix A of this brief shows the Response to Motion to Dismiss, on page 5 and 7 identified that the working atmosphere became abusive. The Court Memorandum to Summary Judgment dated February 14, 2008 in Appendix B-1 of the Petition – page 15 at #3 "for the first time in this case, Valderrama raises the claims of sex discrimination and hostile work environment." This matter is a misstatement of fact. The Affidavit of Points and Authorities in Support to Motion to Dismiss shown in Appendix B of this Brief – page 3 identifies the comments and the alleged discrimination. Page –8 shows reference of the comments and conduct that created a hostile abusive environment. The name of persons responsible for conduct is in the complaint in discrimination such supervisor – Software lead - Jim McDonald, the person who said the unwanted comments. Discovery denials evidence on this matter rose credibility to the lower Court. Respondent's employee conduct is actionable as an abusive work environment under Title VII, 42 U.S.C.S. §2000e-2(a)(1). Harris v. Forklift Systems, Inc., 510 U.S. 17

Petitioner raised claim of sexual comments that made the work environment hostile to the lower Court from the initiation of this litigation.*

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* Words on page 248

Third. Discrimination based on National Origin under Title 42 U.S.C.S. §2000e-2(a)(1) precedent of Courts mentions 'the phrase terms, conditions, or privileges of employment evinces a congressional intent to strike at the entire spectrum of disparate treatment of men and women in employment, which includes people to work in discriminatory hostile abusive environment'

Petitioner, a citizen of the United States, is Hispanic, a woman, Naturalized for over twenty years from Colombia S. A., a minority. Petitioner ethnic origin raised argument through out the litigation on the fact that classified investigations done by the responder and the various government agencies raised a serious matter that let to national origin discrimination. Motions were denied to obtained classified information. It is compelling that the dealings of the government with the Colombia's Gerrilla FARC; rose the question of Responder business relationship handling contracts for the government; and the fact that family work for the government caused lack of equal opportunity and equal application of the law. The government interest became unreasonable. It is unconstitutional against the fourteen amendments:

> "Amendment XIV (1868)
> Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. *No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any

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* Words on page 235

state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

The ultimate employment decision on discharge had a multi-layer of facts attributed to working under a contract. Please refer to Appendix A of this brief page 5 paragraph 2.

The tactics used to harm Petitioner professionally with derogative personal unwanted comments cutlined methods by government due to the government misconduct regarding Colombia S.A. Korematsu v. United States, 584 F. Supp. 1406(1944) (1984).

Fourth, it is compelling the involvement of the Government to obstruct justice. As the case litigation advanced and moved to higher courts petitioner had been torture. Department of Defense, Mr. Frank Chapa and others working for him, have inflicted severe physical and mental pain. Petitioner elevated this matter in the mandamus. Ms. Valderrama pain and suffering due to surveillance control elevates questions of federal law in the petition. This matter surrounded extraordinary circumstances to this case. It is a question of federal law to consider the advance of technological advances questions 1, 2, 3, 4, 5, 6. Tools that have been used to harm petitioner is a violation of privacy. Respondent discriminated petitioner while providing technical support at a contract with NASA.*

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* Words on page 215

Petitioner raised questions of privacy and the evidence and names of people working for the government committing a crime against petitioner due to litigation is circumstantial evidence.

Constitutional guaranty of just and equal laws is in question in this case. The central meaning of the equal protection clause and deprived appellant of liberty without the due process of the law is in violation of the due process clause of the United States Amendment XIV.

The used of advance technological tools that violate privacy and deprive a person from liberty of thought and the liberty to the pursuit of happiness and life raise a federal question - unconstitutional under Title 18; and the law of this land.

The Court has declared the search an unconstitutional invasion of privacy. Obtaining any information by "sense-enhancing technology – such using a thermal imager"; any information regarding the interior of the home. Kyllo v. United States, 533 U.S. 27.

"Amendment IV

The right of the people to be secure in their persons..."

Five, it becomes compelling that respondent stole justice by denials. *Impeachment could not take place in Summary Judgment in the eve of trial. Respondent

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* Words on page 193

breach of duty of good faith; fair dealings and intent raised show evidence for a jury to determine. Retaliation against petitioner raised critical questions for both discriminatory acts and hostile work environment claims, which are what constituted an "unlawful employment practice" and the practice "occurred" for years. The answer to discrimination varies with the practice.

Sixth, An initial claim filed with EEOC on June 2002 was within the Title VII's timely filing requirements. The EEOC claim events as a whole may still be part of the one claim, and a charge may be filed at a later date and still encompass the whole. Such is the matter in this case later in September 2004 Petitioner filed a continuation. Due to the extraordinary circumstances in this case with the government EEOC said it does not investigate cases that involved the federal government, NASA. Therefore the filing with EEOC was initially ignored. [3]

Seventh, The Court of Appeals ruled on a Mandamus written for the Supreme Court. The motion elevated violations to obstruct justice by the government as the litigation of this case developed. This serious matter elevates a federal law on retaliation under Title 18 chapter 1513

> "whoever knowingly engages in any conduct and thereby causes bodily injury to another person or damages the tangible property of another, or threatens to do so, with intent to retaliate any person..."

The Court denied the Mandamus Motion.

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[3] Matter rose on Appendix B of this Brief page 2.

* Words on page 245

RESONS FOR GRANTING THE WRIT

A. This complex case comprises of multi-layer claim and the questions to the Supreme Court elevate personal rights that can be deemed "fundamental" or "implicit" in the concept of ordered liberty included in guarantee of personal privacy.

B. The raised questions to the Supreme Court distinguish the scope of federal power versus Respondent contract businesses and former employee, Ms Valderrama, be subject to apply strict scrutiny. And/or a multi-tiered system of review and this Court discretion to decide petition merit review.

C. Disrespect to the law in this case identified alliance, like race – national origin – discrimination – reflection on federal authority and naturalization raise questions of equal rights and equal opportunity, which is a suspect classification to applied strict scrutiny.

D. The equal protection clause of the Fourteenth amendment forbids a state to "deny to any person within its jurisdiction the equal protection of the law" The perceived misstatement of fact rose in this brief under Statement Second elevate sufficient showing to grant the Writ.*

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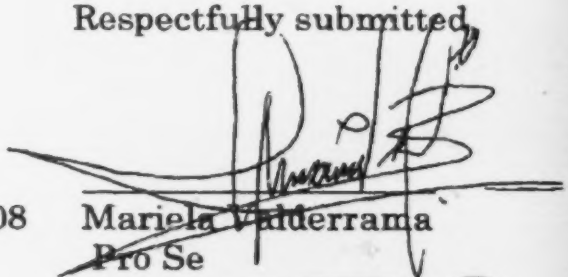
* Words on page 172

CONCLUSION

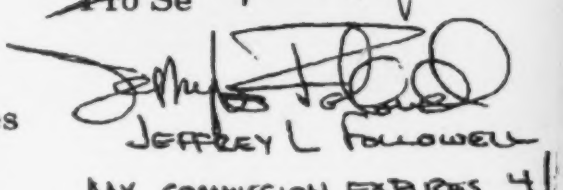
WHEREFORE, Petitioner, Mariela Valderrama. requests the Supreme Court grant Writ Certiorari in this matter to resolve whether the evidentiary framework shadowed by refusing to consider mooted evidence, Respondent intent to steal justice due to the extraordinary circumstances identified during litigation and in this brief. A review apply by the Supreme Court may prevent further discrimination on violations of civil rights by Respondent on the basis of national or ethnic origin, race – to employees – natives and/or naturalized citizens now and in the future.

I SOLEMNLY AFFIRM under the penalties of perjury pursuant to Title 28 § 1746 that the content of this petition is true to the best of my knowledge and information.

Respectfully submitted,



Date: September 25, 2008 Mariela Valderrama
Pro Se



Enclosures:
cc: Court Filed 40 Copies
Responder 3 Copies
Petitioner Copy*

* Words on page 140; Total words 2,115

Appendix A

Response To Motion To Dismiss

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
BALTIMORE DIVISION

CIVIL No.: L-05-747
Honorable Judge Benson E. Legg

MARIELA VALDERRAMA,
Plaintiff
Vs.
HONEYWELL TSI,
Defendant
Counsel VICTOR MILLER
7000 Columbia Gateway Drive
Columbia, MD. 21046
And Defendant
HONEYWELL International Inc.
Counsel PETER M. KREINDLER
101 Columbia Road
Morristown, NJ 07962
Defendants.

RESPONSE TO MOTION TO DISMISS

Plaintiff, Mariela Valderrama, pursuant to the Court's guidance dated March 30, 2005, submits a response to defendant's motion to dismiss. Plaintiff respectfully requests that the Court deny the motion as premature without prejudice or the entry of summary judgment against plaintiff. Plaintiff with due respect moves the court to grant prospective equitability relief under 42 USCS §1981, §1983, TORTS, 18 §2520 etc. against defendant Honeywell, if

the court finds that Title VII of The Civil Rights Act of 1964, as amended ,42 USCS §2000e et. seq. statute can not be used. The complaint's statements state prejudice, years of harassment and discrimination with violations of Civil Rights directed to plaintiff, a Naturalized Citizen of Colombian decent. The complaint capture accountability of material issues of facts, as it is also set forth in the Affidavit of Points and Authorities in Support to Response to Motion to Dismiss which is attached hereto, made a part of, and marked Exhibit "1".

I. AFFIDAVIT IN SUPPORT TO RESPONSE TO MOTION TO DISMISS

Contrary to assertions contained in defendant's Memorandum of Points and Authorities in Support of Motion to Dismiss Complaint, the claim for relief is not mooted by failure to state claim, but, instated, by application of doctrines of res judicata and collateral estoppel, the findings of fact and conclusions of law rendered in this decision and establish material issues of facts, as set forth in the Affidavit of Points and Authorities in Support to Response to Motion to Dismiss which is attached hereto, made a part of, and marked Exhibit "1". Meyer Pincus & Assoc v. Oppenheimer &Co., 936 F.2d 759, 762(2d Cir. 1991Court has permitted clarifying documents without the motion being converted into one for summary judgment against plaintiff under Rule 56.

II. ANSWER FOR COUNT I, Invasion of Privacy

Contrary to assertions contained in defendant's motion to dismiss please refer to Affidavit of Points and Authorities in Support to Response to Motion to

Dismiss, Exhibit 1. Conflicting with the memorandum of Points and Authorities in Support of Motion to Dismiss, Plaintiff styled her claim with facts alleging invasion of privacy illustrating that the Defendant's conduct led to intimidation, humiliation, harassment, public contempt, scorn and ridicule as the result of releasing private matters about plaintiff (Complaint ¶ 8, ¶ 9, ¶ 20) not within the scope of professional endeavors, but reporting about intrusive violations of privacy. Complaint ¶ 8, stipulates March, 2002 as inclusive. The complaint depicts years of discrimination because Plaintiff is a Naturalized Citizen of Colombian decent. Defendant actively concealed and negated the existence of the cause of action from Plaintiff (Complaint ¶ 10) started on September 2001 and it went beyond her last date of service April 29, 2002. In addition, defendant invaded and intruded into plaintiff's family, (outside her immediate family). Plaintiff gave not consent for any interception; Defendant was not a party to the communication or had to bug/tap her car to be covered under color of the law.

Plaintiff with due respect moves the Court for an order to continue action for Count I and grant prospective relief under Restatement, TORTS 2d, § 652 B, §652 E, and §652 I and/or [Defendant's conduct under section 706(g) of the Civil Rights Act of 1964 and 42 USDC §2000e-5, or §1981, §1983] and 18 USDC §2510 (2), §2510 (4), §2510 (5)(a)(i), 18 USDC §2520 (b), 18 USDC §2511(1)(b), 18 USDC §2511 (2)(d) and 5 USDC 552a (g)(1)(C) or (D) or exarbitrio Judicis.

III. ANSWER FOR COUNT II, Invasion of Privacy with Unreasonable Publicity Given to Private Life

Contrary to assertions contained in defendants's motion to dismiss please refer to Affidavit of Points and Authorities in Support to Response to Motion to Dismiss, Exhibit 1. Adverse to assertions in the Memorandum of Points and Authorities in Support of Motion to Dismiss Complaint, the citing authorities CORE TERMS defer from the facts in Count II. The cause of action of Count II illustrated defendant invasion of privacy regarding their opinion on a issue that is protected under the law to avoid humiliation making it a moral issue, a sensitive matter cover from elaboration to prevent public contempt, scorn and ridicule.

"The law is not for the protection of the hypersensitive and all of us must, to some reasonable extent, lead lives exposed to the public gaze"; nevertheless, a portion of any individual's life according to the law should be free from scrutiny. Defendant committed a TORTIOUS unreasonable act invading plaintiff's privacy, which has legal protection.

Plaintiff with due respect moves the Court for an order to continue action for Count II and grant prospective relief under Restatement, TORTS 2d, § 652 D, and §652 E, Md. Ann. Code art. 49B, 14(2005), and Md. Ann. Code art. 49B §16 (2005), 18 USDC §2511 (1)(d) and/or [Title VII Civil Rights Act of 1964, 42 USDC 2000e et. seq., or §1981, §1983], or exarbitrio Judicis.

IV. ANSWER FOR COUNT III, Intentional Discrimination

Contrary to assertions contained in defendant's motion to dismiss, please refer to Affidavit of Points and Authorities in Support to Response to Motion to Dismiss, Exhibit 1. Plaintiff respectfully request that the Court properly grant prospective equitable relief under 42 USCS §1981, §1983, or 42 USCS §2000e-2 and other applicable statutes and/or court rules against defendant Honeywell or ex arbitrio Judicis. The Plaintiff's last day of work was April 29, 2002, and her employment terminated effectively May 13, 2002. Forty Five (45) days after termination plaintiff filed the initial discrimination complaint with the EEOC on June 13, 2002. (Please, refer to Initial EEOC complaint attach hereto as Exhibit "2".) EEOC failed to keep record of the complaint or take any action, so plaintiff resubmitted the complaint on September 15, 2004. EEOC granted Plaintiff the right to sue on November 18 2004. Please, note that plaintiff continue to be intimidated and humiliated after April 29, 2002, her last day of work; therefore, at the time she filed the initial complaint Plaintiff continue to be investigated.

Please, take notice that Plaintiff contacted NASA Security and was informed that NASA had submitted clearance request to various U.S. government agencies such NSA, STATE, FBI etc. and Mr. Dave Molton indicated the investigation had to take its course and it could not be stopped; therefore, the reports sent to NASA address a highly offensive moral issue reported by defendant.

Plaintiff a Naturalized Citizen of Colombian decent,

opposes assertions in the Memorandum of Points and Authorities in Support of Motion to Dismiss complaint, Plaintiff was sought for an Ambassador position (Complaint ¶25 for Count I ¶15). Such positions comprise a body of dignitaries who represent a Nation. Plaintiff performance legitimate met Honeywell performing expectations during her 22 years of service. Plaintiff had just performed above expectations modifying and delivering software tools to support the government effort against the war on terrorism in Afghanistan after 9 / 11 and coding procedural tools and coding routines to maintained Web Applications to display results of collected satellite data. Enriquez v Honeywell, Inc.,(1977,DC Okla) 431 F Supp 901.

Complaint ¶26 represents the action of defendant violating plaintiff and family, invading their privacy spreading, and disseminating plaintiff private finding such she was sought to become an Ambassador, putting her down because of her appearance and finally terminating her. Complaint ¶31 relates defendants in authority who as many others intimidated and humiliated plaintiff with put downs just because they found out who her friends were and sardonically saw plaintiff inferior enough, to give derogatory remarks "Look Ja! Ja! She is going to be an Ambassador, she is not much, look at the way she looks Ja! Ja!." and similar remarks regarding people she saw outside from work. It was not of their business, it have not been public until defendant reported the news at work.

Defendant went too far intimidating just because of plaintiff non-Caucasian looks. The people that plaintiff saw outside from work was not of their

business. Complaint ¶ 62 action refers to Complaint ¶43 for which defendant became defensive saying that since the networks are monitor, NASA had knowledge that I was been harassed and the atmosphere had became abusive. After I typed that a security representative from NASA came and the supervisor and him when by my cube. I recalled he gave a negative report. Then, the intimidation geared to remarks such "Oh! You are going to work for NASA."

Plaintiff with due respect moves the Court for an order to continue action for Count III and grant prospective relief under statues addressed above or exarbitrio Judicis.

V. ANSWER FOR COUNT IV, Intentional Infliction of Emotional Distress

Contrary to assertions in the defendants' motion to dismiss, please refer to Affidavit of Points and Authorities in Support to Response to Motion to Dismiss, Exhibit 1. Conflicting with assertions in the Memorandum of Points and Authorities in Support of Motion to Dismiss Complaint, Plaintiff metal anguish caused be defendant Intentional Infliction of Emotional Distress as stated in Count IV of the complaint continue to cause a rippled effect to which I cannot elaborate to protect the domestic and International security intelligence of the United States of America.

Plaintiff with due respect moves the Court for an order to continue action for Count IV and grant prospective relief under Restatement, TORTS 2d, §46 (c), §46 (d), §46 (e), §46 (2), §47 (b), and/or Title VII

Civil Rights Act of 1964, (42 USDC §2000e- 2000e-17) or ex arbitrio Judicis.

VI. ANSWER FOR COUNT V, NEGLIGENCE

Contrary to assertions in the defendants' motion to dismiss, please refer to Affidavit of Points and Authorities in Support to Response to Motion to Dismiss, Exhibit 1. Conflicting with assertions in the Memorandum of Points and Authorities in Support of Motion to Dismiss Complaint, Defendant actively concealed and negated the existence of any wrong employment practices, such harassing, intimidating plaintiff at work and outside from work and wrongful discharge. Plaintiff has a meritorious cause of action, and has been, at all times, and now is desirous of having actions in Count I to Count V determined on its merits identifying defendant gross negligence with unfair employment practices.

Plaintiff strongly opposes defendant dissemination of adverse, unfair and unlawful employment practices. Plaintiff with due respect moves the Court for an order to continue action for Count V and grant prospective relief under Title VII Civil Rights Act of 1964, (42 USDC § 2000e- 2000e-17 and/or §1981, §1983; (42 USDC §2000e-2(a)(1))), and/or Md. Ann. Code art. 49B; Restatement, TORTS 2d, § 312, § 313, § 46(14)(j), § 47(a), §500(a) or ex arbitrio Judicis.

WHEREFORE, Plaintiff, Mariela Valderrama, respectfully request that the Court enter an Order denying defendants' motion to dismiss without prejudice or the entry of summary judgment against plaintiff and that the Court retain jurisdiction for purposes of later determining whether Plaintiff is entitled to damages and the amount of any damages to which she is entitled, to provide any other relief deemed equitable, and to award costs and reasonable litigation fees under statute 42 §1988 and/or other applicable statutes and court rules.

I SOLEMNLY AFFIRM under the penalties of perjury, that the contents of the present response are true to the best of my knowledge, information and belief.

Respectfully submitted,

April 14 2005

_____ _____s_____

Date

Mariela Valderrama
P. O. Box 347
Gambrills, Maryland 21054
(410) 790-1482

Pro Se

Enclosures
cc: Court File Original
Opposing Counsel
Thank you for your anticipated cooperation!

Appendix B

Affidavit Of Points And Authorities In Support

To Response To Motion To Dismiss Complaint

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
BALTIMORE DIVISION

CIVIL No.: L-05-747
Honorable Judge Benson E. Legg

MARIELA VALDERRAMA,
Plaintiff
Vs.
HONEYWELL TSI,
Defendant
Counsel VICTOR MILLER
7000 Columbia Gateway Drive
Columbia, MD. 21046
And Defendant
HONEYWELL International Inc.
Counsel PETER M. KREINDLER
101 Columbia Road
Morristown, NJ 07962
Defendants.

AFFIDAVIT OF POINTS AND AUTHORITIES IN SUPPORT TO RESPONSE TO MOTION TO DISMISS COMPLAINT

Now Comes Plaintiff, Mariela Valderrama, being first duly sworn, deposes and says: I respectfully move the court to continue the actions for Counts I through V of Complaint. The complaint statements allege prejudice and capture accountability of claims upon which relief can be granted. Plaintiff last day of work was April 29, 2002, and her employment terminated effectively

May 13, 2002. Forty Five (45) days after termination plaintiff filed the initial discrimination complaint with the EEOC on June 13, 2002. (Please, refer to Initial EEOC complaints attach hereto as Exhibit 2.)

EEOC failed to keep record of the initial complaint or take any action, so plaintiff resubmitted the complaint on September 15, 2004. EEOC granted Plaintiff the right to sue on November 18 2004. Please, note that plaintiff continue to be intimidated and humiliated after April 29, 2002, her last day of work; therefore, at the time she filed the initial complaint Plaintiff continue to be investigated. Plaintiff contacted NASA Security and was informed that NASA had submitted clearance request to various U.S. government agencies such NSA, STATE, FBI etc. and Mr. Dave Molton indicated the investigation had to take its course and it could not be stopped.

In addition, plaintiff moves the Court, pursuant to rule 12(d) of the Rules of Civil Procedure, to hear and determine before a trial of the principal case herein the defense Rule 12(b).The following response will reiterate claims upon which relief can be granted:

I. INVASION OF PRIVACY - CLAIM FOR RELIEF

1. Restatement, TORTS 2d, § 652 B, §652 E, and §652 I on Invasion of Privacy prohibit reporting, describing, revealing or going as far as reporting an individual sexual habits. Plaintiff privacy is not of legitimate business or public concern. Defendant unfair employment practices embarrassing, intimidating and humiliating plaintiff reporting that

"plaintiff make out with dogs". Instantaneously caught in embarrassing, intimidating and humiliating plaintiff put her to public contempt, scorn and ridicule. Defendant forfeited plaintiff right to privacy by intruding making the matter a highly offensive moral issue (Complaint ¶ 10).

There is not reason for defendants who were in a position of authority to use a private highly offensive matter to hurt plaintiff engaging in unfair employment practices. Defendant outrageous actions illustrates his disregard to plaintiff reputation disclosing private matters and conspiring using employees to hurt plaintiff damaging her emotional well being. Defendant created animosity just for profit. Their report was not of legitimate professional or public interest.

2. Defendant's conduct violated section 706(g) of the Civil Rights Act of 1964 and 42 USDC §2000e-5, or §1981, §1983]. 3. 18 USDC §2510 (2), §2510 (4), §2510 (5)(a)(i), 18 USDC §2520 (b), 18 USDC §2511 (1)(d), 18 USDC §2511 (2)(d) prohibit wiretap in car, computer and phone. Plaintiff is a Naturalized Citizen of Colombian decent and her privacy has been totally invaded by defendant who improperly disclosed her personal business to coworkers and contactor NASA. Defendant may have the business as a contractor to report their findings; however, their surveillance when too far to state their opinions on moral issues which is not of an employer or public interest and harassed plaintiff using her private conversations including her private car communications with friends. She worked for 22 years for Honeywell and plaintiff had not National Security interest that all. Plaintiff only business association was Honeywell and

she was not involved with any subversive or illegal business that all. There is nothing to believe that plaintiff would have any reasonable National security interest for employer to hurt plaintiff via personal reports of not business or public interest. Defendant committed TORTIOUS acts while violating plaintiff's privacy, under Restatement, TORTS 2d, § 652 B, and §652 E, §652 I etc. and for purposes of private commercial gain as a contractor for NASA. Violation's fall under 1986 Amendments Pub. L. 99-508, §103.

4. [5 USDC §552a et. seq.], 5 USDC 552a (g)(1)(C) or (D) prohibit unfair keeping of employee records (Complaint ¶ 8). Employee filled out a form with limited personal information including close contacts (family names and addresses) to get a badge to enter the contractor's agency. In a professional environment as a engineer, plaintiff has not knowledge of management business, Honeywell provides Information Technology Services. Defendant may has the business to report their findings at a professional level, their intention comprise to completely hurt plaintiff's character and reputation using unfair employment practices to humiliate her using other employees to harassed her creating an adverse effect on plaintiff because her private matters not of legitimate business or public concern reached the public.

II. INVASION OF PRIVACY WITH UNREASONABLE PUBLICITY GIVEN To PRIVATE LIFE - CLAIM FOR RELIEF

1. Restatement, TORTS 2d, § 652 D, and §652 E on Invasion of Privacy prohibit releasing information of

private nature. The right of freedom of speech and press are part of Constitutional Rights, but these freedoms do not by any means give Defendant the right to intrude and then report to NASA describing plaintiff's truly private matters including family assets, business and positions level. Defendant instigated implying their desire to acquire new business because during scrutinizing Plaintiff, they found out that plaintiff friends included NASA employees with authority managing budgets. This led defendant to intimidate with remarks ranging from plaintiff looks and appearance to race. Plaintiff requested an explanation from Human Resources regarding their harassment outside work, however defendant ignored the issue. Plaintiff had knowledge of defendant involvement hurting her outside work about February, 2004. Defendants action to wrongfully disclosed Plaintiff's private information to the public and by circulating it via not secure networks and intra-corporate networks with NASA created a record on computers, and by oral publication violated Torts. Defendant took not affirmative steps to stop his inappropriate employment practices hurting plaintiff at work and outside from work.

2. Md. Ann. Code art. 49B, §8, Md. Ann. Code art. 49B, §14(2005), Md. Ann. Code art. 49B §16 (2005) prohibit Illegal employment practices. Plaintiff is a Naturalized Citizen of Colombian decent discriminated with respect of plaintiff race, and National origin with the intent to deprive plaintiff of employment opportunities. Defendant acquired knowledge of plaintiff activities outside work and friends and acquaintances and harassed plaintiff at work stating places she visited and the names of people she welcome. Some of the people she welcome

worked at management positions for NASA. Defendant when as far as starting to demand that plaintiff must work on bringing business in, the people plaintiff salute and welcome were only for social matters and defendant had no business interfering with plaintiff private life outside work.

3. Defendant's conduct violated section 706(g) of the Civil Rights Act of 1964 and 42 USDC §2000e-5, or §1981, §1983]. 4. 18 USDC §2510 (2), §2510 (4), §2510 (5)(a)(i), 18 USDC §2520 (b), 18 USDC §2511 (1)(d), 18 USDC §2511 (2)(d) prohibit wiretap in car, computer and phone. Plaintiff is a Naturalized Citizen of Colombian decent and her privacy has been totally invaded by defendants who improperly disclose her personal business to coworkers and contactor NASA then public. It is awkward, but calling "individual on the street" type of person to the stand and eliciting from him or her just testimony, this person may have knowledge of plaintiff's privacy.

III. INTENTIONAL DISCRIMINATION - CLAIM FOR RELIEF

42 USCS §2000e-2 [42 USDC §2000e et. seq.] prohibit from any discrimination base on race, or national origin within the meaning of section 703 of the Civil Rights Act of 1964. Plaintiff is a Naturalized Citizen of Colombian decent within the meaning of 42 U.S.C.S. §2000e-2. Plaintiff is fully qualified to serve as a Software Engineer, working 22 years for Honeywell in different positions in the Information Technology Field, and has been discriminated against by defendant, in violation of section 706(g) 42 USDC §2000e-5(g); and compensatory damages as would be

appropriate under sections 1977A(a)(1), 1977A(b) [42 USDC §1981a(a)(1), (b)(2], and, irrespective of the size of the employing office, 1977A(b)(3)(D) of the Revised Statues [42 USDC §1981a(b)(3)(D)]. Solely because she is a citizen of Colombian decent, defendant excluded plaintiff from her position. Plaintiff reported harassment to Honeywell's Human Resources Department. And they did not take any action, but ignored the issue (Complaint ¶ 28).

IV. INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS - CLAIM FOR RELIEF

1. Restatement, TORTS 2d, §46 (c), §46 (d), §46 (e), §46 (2), §47 (b), and/or Title VII Civil Rights Act of 1964, (42 USDC §2000e- 2000e-17) prohibit employment practices which gear to hurt employee. Defendant did not use physical intrusion or force, Plaintiff is not death, but rather the defendant intercepted via taps invading in plaintiff's private affairs examining into plaintiff private concerns. Plaintiff has suffered and continues to suffer extreme anxiety and rejection due to the actions of defendant. In addition, as a result of defendant's acts, described in Count I through Count V, plaintiff has been physical exhausted and unable to lead her life in a normal manner, and has suffered aggravation of her well being. Defendant highly offensive crime of intrusion wellspring pain, suffering, mental anguish, anxiety, anger and depression embarrassing, intimidating and humiliating Plaintiff causing the following physical injuries related to mental stress:

a. Harm from loss of sleep.
b. Harm from prolonged inactivity.

c. Impairment of ability to enjoy life.
d. Ongoing stress due to public contempt and ridicule.
e. Harm from brain seizure.
f. Harm making plaintiff prone to heart attack.

2. Defendant's conduct violated section 706(g) of the Civil Rights Act of 1964 and 42 USDC §2000e-5, or §1981, §1983].

3. Md. Ann. Code art. 49B, §8, Md. Ann. Code art. 49B, §14(2005), Md. Ann. Code art. 49B §16 (2005) prohibit Illegal employment practices.

V. NEGLIGENCE · CLAIM FOR RELIEF

1. Title VII Civil Rights Act of 1964, (42 USDC § 2000e· 2000e-17 and/or §1981, §1983; (42 USDC §2000e-2(a)(1))), and/or Md. Ann. Code art. 49B; Restatement, TORTS 2d, § 312, § 313, § 46(14)(j), § 47(a), §500(a) Defendant violated torts by his outrageous conduct creating a work environment in which people with authority promoted shame, intimidation, humiliation and embarrassment. Defendant is now and at all relevant times was a policy-making official within the corporation. In that capacity, defendant had the final decision-making authority on reports to his client. Defendant had the power to rescind reports and create remedies as soon as plaintiff complaint, but failed to do so. Further, defendant violated plaintiff's right to privacy (to be left alone), an unlawful act against plaintiff Civil Rights · Tort and privacy protection commission section 2a(4), . Plaintiff's cause for termination from

her job according to a person in authority and coworkers resulted from the fact that she was sought for an Ambassador position. Defendant actions jeopardized Plaintiff's reputation.

Plaintiff's family and her financial maters along with her private matters are not of public concern. Defendant is liable for:

a. Publicizing plaintiff and family privacy which is an unlawful employment practice.

b. Outrageous conduct emanating the inconvenience of unfairness with Ethnic discrimination and humiliation.

c. Retaliating against employee for blowing the whistle.

d. Taking no steps to protect employee ignoring complaints.

e. Actual financial loss of past earnings due to wrongful termination.

f. Pass and anticipated future expenses finding a job.

g. Failure to maintain a working atmosphere free of intimidation or insults.

h. Violations of accuracy of records.

i. Adverse effect, upset and embarrassment as a result of disclosure to public such coworkers etc.

j. Malicious reporting knowing that it would hurt an employee.

k. Sabotage plaintiff's life inflicting pain, and distress.

l. Alter the motive of Termination.

m. Unreasonable interfered with work performance.

n. Adverse employment references.

o. Adverse treatment affecting plaintiff

2. Defendant's conduct violated section 706(g) of the Civil Rights Act of 1964 and 42 USDC §2000e-5, or §1981, §1983].

3. Md. Ann. Code art. 49B, §8, Md. Ann. Code art. 49B, §14(2005), Md. Ann. Code art. 49B §16 (2005) prohibit Illegal employment practices.

CONCLUSION, although plaintiff believes that the complaint contains all necessary allegations, if the Court finds that any allegations is insufficient, plaintiff respectfully requests that leave to further amend be granted.

April 14, 2005 Page 11 of 11

I SOLEMNLY AFFIRM under the penalties of perjury, that the contents of the present affidavit are true to the best of my knowledge, information and belief.

Respectfully submitted,

_____s_____
Mariela Valderrama
P. O. Box 347
Gambrills, Maryland 21054
(410) 790-1482
Pro Se

April 14, 2005

_____
Date

Thank you for your anticipated cooperation!